

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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:

UNITED STATES OF AMERICA

13-CR-607 (JFB)

-against-

:

United States Courthouse
Central Islip, New York

PHILLIP A. KENNER,
a/k/a "Philip Kenner"
and

TOMMY C. CONSTANTINE,
a/k/a "Tommy C. Hormovitis,

TRANSCRIPT OF MOTIONS/
JURY SELECTION

April 27, 2015

9:30 a.m.

Defendants. :
- - - - - X

BEFORE THE HONORABLE JOSEPH F. BIANCO
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government:

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United States Attorney
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Central Islip, New York 11722
BY: JAMES M. MISKIEWICZ
SARITHA KOMATIREDDY
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For the Defendant:
Kenner:

BY: RICHARD HALEY, ESQ.
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For the Defendant
Constantine:

BY: ROBERT LARUSSO, ESQ.
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Proceedings recorded by mechanical stenography.
Transcript produced by computer.

1 THE CLERK: Calling 13-CR-607, United States v.
2 Kenner, counsel please state your appearances for the
3 record.

4 MR. MISKIEWICZ: James Miskiewicz for The United
5 States.

6 MS. KOMATIREDDY: Saritha Komatireddy for the
7 United States.

8 MR. HALEY: Richard Haley for the defendant,
9 good morning, your Honor.

10 THE COURT: Good morning.

11 MR. LA RUSSO: Robert La Russo for
12 Mr. Constantine who's present in court, and Andrew
13 Oliveras.

14 THE COURT: Good morning. We have potential
15 jurors downstairs. Obviously before that I did receive
16 the various submissions over the weekend and also the
17 grand jury did return a Superseding Indictment. However,
18 Mr. Haley wants a little bit of time which that. I'll
19 give you time after this conference. What's the
20 difference with between, just in general, between this
21 superseder and the prior one.

22 MS. KOMATIREDDY: Judge, the superseder only
23 corrects a few small typos between the previous
24 indictment. We're happy to point that out to counsel
25 during the break.

1 THE COURT: All right. So I just wanted to go
2 through the various issues that I think we have to
3 discuss, and then obviously some additional issues that I
4 think you have.

5 First I want to place the Court's ruling on the
6 record with respect to Mr. La Russo's motion for severance
7 and I'm going to put a more detailed ruling on the record
8 either in writing or orally but I don't want to spend that
9 time with the jurors waiting.

10 In short, the motion for severance is denied.
11 It continues to be based upon, the government points out
12 in its response letter, some pieces of evidence that's
13 entirely clear or will be introduced at the trial
14 including the Home Depot case. This issue regarding
15 obstruction of justice recently brought to the Court's
16 attention and the e-mail which, I think the government is
17 correct appears to be hearsay to me, so part of the
18 argument is very speculative on the piece of evidence that
19 it's not clear to the Court even if it came into order and
20 if they did, the Court is certainly going to be certain
21 that it's done in a way consistent with Mr. Constantine's
22 confrontation clause rights and other rights. So I don't
23 believe any of those pieces of evidence are a basis for
24 severance.

25 With respect to the overall theory of severance,

1 and again this is essentially consistent with the first
2 motion for severance, is that to some extent there is
3 going to be finger pointing between Mr. Kenner and
4 Mr. Constantine regarding various aspects of the alleged
5 fraud. The case law is very clear that finger pointing
6 between the defendants is not a sufficient basis for
7 severance, and I don't believe it's a sufficient basis for
8 severance in my discretion in this case. Based upon what
9 I read the jury could believe both Mr. Kenner and
10 Mr. Constantine with respect to various aspects of the
11 fraud. It seems like they're pointing the finger at each
12 other on different parts of the fraud which are not
13 necessarily inconsistent.

14 So the jury could believe both of them. Neither
15 of them, or one or the other. And in fact as we talked
16 about previously, there are third parties that the
17 defendants arguing are more responsible for the
18 misrepresentations or diversions such as Mr. Jowdy, so
19 this is not a situation where the jury if they believe one
20 defendant would automatically have to believe or
21 disbelieve the other defendant. I don't believe there's a
22 sufficient basis for severance. So that motion is denied.
23 Mr. La Russo also brought the Court's attention to another
24 Daily News article that appeared yesterday regarding the
25 case, and requests potentially a postponement of the trial

1 and/or moving the trial to Brooklyn, which I'm not sure
2 that I understand.

3 MR. LA RUSSO: Judge, I guess it was kind of a
4 rushed motion and I apologize. There are a lot of things
5 going on. I wanted to bring to the Court's attention what
6 I thought was significant issues. It really relates to
7 one of the government's witnesses, John Kaiser. He was a
8 Suffolk County police officer. The portion of the article
9 we submitted to the court, where he accuses my client and
10 Mr. Kenner as committing these crimes he's referred to as
11 budding police officers.

12 I've been doing this for a long period of time,
13 Judge. The relationships of police officers to the
14 community is quite large and extensive and I'm very
15 concerned that with his affiliation of the agencies in the
16 two counties where predominantly the jurors are going to
17 be drawing from, we may have that kind of tainted pool.
18 My suggestion is if there arises during the jury selection
19 in the Court's mind that it may be a problem, it could be
20 eliminated by referring the matter to Brooklyn. Where
21 there's a pool of people outside the two counties. Where
22 these two particular individuals I mean Kaiser and his
23 associates and his buddies would have some sway or some
24 influence over the jurors. With regard to publicity, I'm
25 not talk about the tampering. That's not my argument at

1 all. That was the purpose of bringing it out.
 2 Judge, may I just make one other argument with
 3 regard to this particular newspaper article that came out.
 4 THE COURT: Sure.
 5 MR. LA RUSSO: I know the Court has reviewed all
 6 the material and actually reviewed the article. I don't
 7 know if the Court saw the newspaper itself.
 8 THE COURT: No.
 9 MR. LA RUSSO: Very interesting. I don't know
 10 if the government has had a chance to see it. May I
 11 approach?
 12 THE COURT: Yes.
 13 MR. LA RUSSO: What I provided to the Court is
 14 an internet copy, and I don't believe you really get the
 15 sense --
 16 THE COURT: I got the sense it was a long
 17 article.
 18 MR. LA RUSSO: No. I think it's the same
 19 article.
 20 THE COURT: No. I got the sense it was a
 21 substantial article just from the internet version. I
 22 didn't see any photos.
 23 MR. LA RUSSO: When you look at the actual
 24 article that appears in the newspaper it's four pages, at
 25 the end of the newspaper, you know what was very telling,

1 Judge, when I first saw it -- I'm always going to the back
 2 of the newspaper first for the sports and I work my way
 3 back to the national and state news.
 4 When I saw it, my immediate reaction was why was
 5 this done, is somebody behind this particular effort at
 6 the eleventh hour before the selection of the jury, and
 7 I'll be honest with the Court we have some evidence that
 8 there were untoward relationships between Mr. Jowdy and
 9 his attorney Mr. Hardy, and the newspapers. We actually
 10 have an e-mail back many years ago where they're talking
 11 about an article that was written by these reporters, and
 12 I said oh, my God, are they doing this again to try to
 13 tamper with the jury pool. I'll be candid the Court, I
 14 pushed that aside, I said look, that's not for the Court.
 15 I don't have evidence to say this is the one. We do know
 16 in this article they actually put a disclaimer on the
 17 bottom where it says New York attorney Tom Hardy whose
 18 legal analyst analysis appears in the Daily News at one
 19 time represented Kenneth Jowdy and was co-counsel to Louis
 20 Free, the former FBI director. Hardy is no longer
 21 involved in the case. It's very unusual to see a
 22 disclaimer. But it shows they were aware of the
 23 possibility that we would be raising this particular
 24 issue.
 25 Long and the short of it, Judge, I understand

1 that the Court in its discretion can wait to make a final
 2 determination on whether or not this particular jury pool
 3 may have been tainted by this particular article. I just
 4 want to let the Court know, by providing you with that
 5 newspaper clipping, the significance of this article in
 6 terms of people reading it.
 7 You don't get the sense when you look at the
 8 internet writing the words itself. And that was the
 9 reason for submitting that to the Court.
 10 THE COURT: Okay. I understand the significance
 11 of the article, but I think the best way to deal with this
 12 issue in terms of the article is if you have a question in
 13 your proposed voir dire which I don't like the wording of
 14 it, asks them to define the accuracy of the Daily News and
 15 I don't think that's the best way to handle it. I think
 16 anybody who read the article should not be on the jury.
 17 I'll ask do any of you read the Daily News and any
 18 articles in the Daily News regarding this case. I think
 19 we're still going to have sufficient jurors, maybe a
 20 number of hands will go up, I don't think we're going to
 21 lose so many jurors on that line of questioning. That's
 22 how I'll handle it given the nature the article, anyone
 23 who read this article I don't think should be on the jury.
 24 Okay.
 25 MR. LA RUSSO: You know, Judge, I was trying to

1 think of a way to best handle it. Obviously I made my
 2 application to the Court because my concern, and I know
 3 the Court has probably had an experience like this before,
 4 where some jurors won't and I know that's happened, I
 5 don't anticipate that happening, not only that, some
 6 jurors will go home and be apprised of it by their family
 7 members. I've had that happen and I've also had other
 8 jurors who were friends and relatives in this particular
 9 case with the influence of Mr. Kaiser in this community it
 10 may still get to the jurors. I may be overly cautious,
 11 Judge, because of my experience may have tempered my
 12 testimony my presentation to the Court. I'm really
 13 concerned. And that's why I made this application. It
 14 wasn't just done just to hear myself talk. It was a
 15 concern that we may have a problem with this jury pool.
 16 There are ways to avoid this problem, one would be a
 17 continuance to let the article die down. The other would
 18 be to get out of the jurisdiction and go to Brooklyn.
 19 THE COURT: First of all, we're not going to
 20 Brooklyn. First is that they draw the jury pool from the
 21 whole district. We're going to have people here Brooklyn
 22 and Queens and Nassau and Suffolk, and it's the same jury
 23 pool, there's no distinction here. Maybe some people
 24 don't show up out here so we might have a slightly
 25 different pool than that, but I don't believe -- in fact

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1 Mr. Kaiser has an association in Suffolk County, Suffolk
 2 County police is a sufficient basis to move the case to
 3 Brooklyn or any other, other than if you want, obviously
 4 we have questions about law enforcement in the voir dire,
 5 if you want me to say something about Mr. Kaiser and
 6 something about a witness will have an association with
 7 Suffolk County police will that affect your ability I'll
 8 add that question.

9 MR. LA RUSSO: No.

10 THE COURT: But in terms of the jury pool, I
 11 don't believe there's any basis to move the case to
 12 Brooklyn. The News article, again, people who are in
 13 Brooklyn may have read the article, if anything we'll get
 14 more New York jurors rather than Long Island jurors.

15 MR. LA RUSSO: Judge, the pool is from five
 16 counties, that was changed many years ago, but what the
 17 end result is when the jury is finally selected, you see
 18 that a lot of the people from Staten Island and Brooklyn
 19 sometimes don't show. They ask for hardship excuses, and
 20 in the end when the jury is finally chosen you have a
 21 majority of them coming from Suffolk and Nassau County.
 22 Does that happen in all cases? The majority of them do.
 23 That's my concern.

24 I guess what I'm asking the Court is if you
 25 would keep that argument aware and if it does show that's

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1 what's happening when we're picking the jury maybe you can
 2 reconsider our suggestion, that's all.

3 THE COURT: You can renew it at any time. You
 4 said you don't want me to ask a particular question about
 5 Mr. Kaiser? You do or you don't?

6 MR. LA RUSSO: I prefer not to mention the name.

7 MR. HALEY: I'll wait until he's finished.

8 THE COURT: Do you agree with that.

9 MR. HALEY: Your Honor, if I may? Simply
 10 mentioning the government, the names of the government's
 11 witnesses would be sufficient. I don't want the Kaiser
 12 focus.

13 THE COURT: So you agree.

14 MR. HALEY: Yes.

15 THE COURT: So let go through, this was prepared
 16 obviously before I got Mr. La Russo's proposed questions
 17 and some of them are edited, some of them I just don't
 18 like. The ones that I was going to add I don't know
 19 anything about hockey, I'm not a hockey fan. So you have
 20 the jurors in the box, I will ask are you a hockey fan and
 21 let them elaborate on that.

22 Again, I assume you want me to ask about
 23 particular players, I could read the list of players if
 24 you want me to.

25 MR. LA RUSSO: I don't believe that's necessary.

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1 THE COURT: The names will be the witnesses, but
 2 the Playboy question I'm willing to ask that, given there
 3 may be some evidence of that here. I wasn't going to use
 4 the -- I saw the Playboy enterprise -- during the list of
 5 entities and names because I think it's a meaningless
 6 question. A lot of people have heard of that, so I'm
 7 going to substitute that question at some point for that
 8 entry. And the banks, I had several questions about the
 9 banks, I wasn't going to mention the names, people have
 10 heard of Citibank. It only has significance I think as it
 11 relates to other banks. Then I'm going to ask do you read
 12 the Daily News, have any of you read any articles in the
 13 Daily News about this case? Or any other newspaper, okay.

14 MR. LA RUSSO: Thank you, your Honor.

15 THE COURT: Just again sticking with the voir
 16 dire on the alias question I'm going to reserve on that.
 17 In terms of the jury selection I don't think it's critical
 18 to resolve that. What I'm going to do is on the list of
 19 names I'm going to move the Tommy Hormovitis.

20 THE DEFENDANT: May speak?

21 MR. LA RUSSO: No. One second.

22 DEFENDANT CONSTANTINE: No.

23 THE COURT: How if you pronounce it?

24 DEFENDANT CONSTANTINE: Hormovitis.

25 THE COURT: I'm not going to add it right after

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1 his name, but I'll put it as entry 67 or something like
 2 that, they'll hear the name Tommy Hormovitis so they
 3 wouldn't associate that name with him.

4 I put the estimate of trial five to six weeks, I
 5 don't know if -- with every week I lose jurors. So I want
 6 to be as precise as I can on that. Does that sound about
 7 right.

8 MR. MISKIEWICZ: It could be shorter, yes, just
 9 to be conservative, five weeks. We have been estimating
 10 four to five weeks.

11 THE COURT: You want me to estimate five weeks?

12 MR. MISKIEWICZ: I still believe that that's
 13 accurate.

14 THE COURT: Does the defense believe that's
 15 accurate?

16 MR. LA RUSSO: I do, Judge, I'm anticipating
 17 calling a number of witnesses, on Mr. Constantine's
 18 behalf. Four to five weeks.

19 THE COURT: I may say five weeks just to make
 20 it. Mr. Haley?

21 MR. HALEY: Your Honor, I was to reserve comment
 22 until I had an opportunity to address the Court and I
 23 would make my application at that point in time. The
 24 indictment frames the issues that will be decided by the
 25 jury. The indictment alleges various, they characterize,

1 schemes fraud, the land investment, GSF, Wide Land
 2 Development, Eufora and Led Better, and then of course
 3 judge the counts. The body of information that's been
 4 provided through Rule 16 discovery on those alleged
 5 schemes in and of themselves I would agree would probably
 6 take four to five weeks in terms of the government's
 7 presentation as well as the defendant's presentation.

8 We have not received any 404(b) materials.
 9 There are references, there's been musings about other
 10 real estate investments, most F R A I L E S, Atrmosa
 11 Beach, A-T-R-M-O-S-A, Paradise Valley the Palms in Las
 12 Vegas, Diamonte Del Mar, I can perhaps continue, Judge,
 13 four or five examples.

14 THE COURT: Mr. Haley, I just want to know if
 15 you agree with the estimate of five weeks, yes or no?

16 MR. HALEY: If we're going into matters beyond
 17 the four corners of that indictment, it will be longer
 18 than five weeks.

19 THE COURT: Okay. Does the government
 20 anticipate that these other entities or investments are
 21 going to be the subject of evidence adduced.

22 MR. MISKIEWICZ: We're not offering any evidence
 23 of other real estate deals in any 404(b) context. Some of
 24 the testimony Mr. Kaiser will have I could imagine that
 25 the defense will attempt to elicit material about other

1 deals he did with Mr. Kenner, he was in the renovation
 2 business.

3 So we're not offering any of that to, as 404(b)
 4 evidence. We're just saying yes there were other
 5 buildings and other things that he did that have anything
 6 do, we did not allege to be part of the fraud.

7 THE COURT: All right. I'll rule on it then.

8 MR. HALEY: Thank you, your Honor, that helps
 9 the defense tremendously, thank you.

10 THE COURT: I want you to discuss with your
 11 clients, during jury selection there are a bunch of
 12 sidebars regarding hardships. I do the hardships at
 13 sidebar. I want to make sure they waive their appearance
 14 during the sidebars. Can you discuss that with them.

15 MR. HALEY: Yes.

16 MR. LA RUSSO: I have spoken to Mr. Kaiser. He
 17 agrees with the procedure. He will not be coming to
 18 sidebar. Just so the Court is aware, Mr. Oliveras will be
 19 handling a few of the witnesses.

20 THE COURT: That's fine.

21 MR. HALEY: Your Honor, as well as my client has
 22 authorized me to attend the sidebars as his attorney
 23 outside the presence of him.

24 THE COURT: Let me confirm that from them,
 25 Mr. Constantine and Mr. Kenner, you have a right to be at

1 the sidebars if you wish. The lawyers have indicated that
 2 you are giving up that right. Mr. Constantine; is that
 3 correct?

4 DEFENDANT CONSTANTINE: Yes.

5 THE COURT: Mr. Kenner?

6 DEFENDANT KENNER: Yes.

7 THE COURT: If you want to be at any sidebar
 8 just let me know. Do you understand?

9 DEFENDANT CONSTANTINE: Yes.

10 DEFENDANT KENNER: Yes.

11 THE COURT: I want to stay focused, because we
 12 do have 200 people waiting downstairs so I just want to
 13 do -- other than the arraignment, which I'll give you a
 14 few minutes to discuss with your clients, is there
 15 anything else that we need to address prior to starting
 16 the jury selection?

17 MR. HALEY: Your Honor, there are other matters
 18 I suggest. I agree with the Court wholeheartedly, with
 19 the manner of jury selection. With the computer and other
 20 matters, if we can address this if not today, even
 21 tomorrow morning, we still have a week before we commence
 22 trial.

23 THE COURT: All right.

24 MR. LA RUSSO: Your Honor, one other reference,
 25 I hope I'll make it short. We are going to be performing

1 forensic analyses on several of the documents that the
 2 government alluded to the consulting agreements, as well
 3 as making an effort to examine the tape for any tampering
 4 or editing that may have been done. We have already been
 5 in touch with the expert regarding the tape. We have made
 6 contact, hopefully today, I hope, with the handwriting
 7 expert. I believe that we can get it done before we open
 8 to the jury in a week. I would ask if you consider
 9 another week's delay. I would like to know the results of
 10 the analysis before open up to the jury about what the
 11 evidence is going to show.

12 The other -- you've had this case for many
 13 months but only recently has the government as they
 14 represented to the Court started to give us some specific
 15 information relative to the charges, and I appreciate
 16 their efforts to kind of factually give us the direction
 17 we're heading. If the Court doesn't feel it's too
 18 burdensome to the jury to begin the openings in two weeks
 19 rather than one, I would make that request.

20 THE COURT: I'm going to deny that request. You
 21 certainly have that tape for a long time. The government
 22 is not anticipating using that. I don't understand why
 23 you need it analyzed. But it's not in your opening. If
 24 you want to get it done between now and the opening of
 25 trial, I'm happy to have you do that. But we'll lose more

18

1 jurors then we'll get into -- then we'll get into the
 2 summer and June, and potentially and that's going to be a
 3 big problem. I'm going to deny that request.

4 But you'll have the Court's assistance in trying
 5 to expedite anything that you have to do to investigate
 6 from that standpoint. I did see the investigator's
 7 statement, that's sort of like an opening statement.

8 I'll wait until you tell me the defendants are
 9 ready to be arraigned on the superseder.

10 MR. HALEY: Your Honor, as relates to the voir
 11 dire, the government did submit proposed voir dire
 12 questions. It's probably one of the only times, I said to
 13 Mr. Miskiewicz earlier, where we might reach agreement on
 14 something in connection with this case. I have no
 15 objection to the proposed voir dire submitted by the
 16 government. Indeed the reason that I did not submit --

17 THE COURT: I actually forgot, you have the
 18 proposed questions?

19 MR. HALEY: I haven't had a chance to look at
 20 it.

21 THE COURT: It incorporates our standard
 22 questions and the government's questions. I'll be using
 23 that in addition to Mr. -- the new questions that I said
 24 that I would add for Mr. La Russo.

25 MR. MISKIEWICZ: Your Honor, I have a personal

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1 matter which I would like to bring to the Court's
 2 attention at sidebar. We can put it on the record.

3 THE COURT: Sure.

4 (Continued on next page.)

20

1 (Whereupon, the following occurred at sidebar.)

2 MR. MISKIEWICZ: Your Honor, my kids and my wife
 3 have been battling a bug, and I got it last night. It's
 4 pretty nasty. So if I were to stand up and leave the
 5 courtroom, Ms. Komatiriddy is prepared to go forward with
 6 the voir dire. I just wanted the Court to know I don't
 7 mean any disrespect to the Court.

8 THE COURT: That's fine. I wanted to let you
 9 know, after you've made -- it's Monday, I can't sit in the
 10 afternoon on May 11th.

11 (Continued on next page.)

21

1 (Whereupon, the following occurred in open
 2 court.)

3 (Recess taken at this point.)

4 MR. LA RUSSO: Your Honor, can I ask just an
 5 outline how you go about -- I have had a trial with you
 6 before, would you mind telling us how you proceed?

7 THE COURT: Sure. Let's deal with the first,
 8 the arraignment, is your client prepared to be arraigned?

9 MR. LA RUSSO: Yes.

10 THE COURT: Mr. Haley?

11 MR. HALEY: Yes, sir.

12 THE COURT: Mr. Kenner, have you received a copy
 13 of the Superseding Indictment (s)(2)?

14 DEFENDANT KENNER: Yes, your Honor.

15 THE COURT: Have you had sufficient time to
 16 discuss it with your attorney?

17 DEFENDANT KENNER: Yes, your Honor.

18 THE COURT: Do you waive the public reading of
 19 the entire indictment?

20 DEFENDANT KENNER: Yes, your Honor.

21 THE COURT: How do you plead?

22 DEFENDANT KENNER: Not guilty.

23 THE COURT: A not guilty plea will be entered on
 24 your behalf.

25 Mr. Constantine, did you receive a copy of the

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1 indictment?

2 DEFENDANT CONSTANTINE: Yes, your Honor.

3 THE COURT: Have you had sufficient time to
4 discuss it with your attorney.

5 DEFENDANT CONSTANTINE: Yes, your Honor.

6 THE COURT: Do you waive the public reading of
7 the indictment?

8 DEFENDANT CONSTANTINE: I do, your Honor.

9 THE COURT: How do you plead?

10 DEFENDANT CONSTANTINE: Not guilty.

11 THE COURT: A not guilty plea is entered.

12 Before I discuss the procedure, I just want to
13 make sure no one has any objections to my script. There's
14 two corrections to the script; is that correct?

15 MR. MISKIEWICZ: Yes.

16 MS. KOMATIREDDY: Yes, your Honor, we had one
17 minor correction.

18 THE COURT: Can you put it on the record.

19 MS. KOMATIREDDY: Yes, your Honor. On page five
20 included from the S1, the global defendant funds, that's
21 been corrected to be the Global Pearlman Funds.

22 THE COURT: And then you want me to introduce
23 the agents who are here?

24 MS. KOMATIREDDY: Yes, your Honor. Special
25 Agent Matt Galimoto and Special Agent Josh Wayne.

23

1 THE COURT: Does the defense have any objections
2 to the Court's script for jury selection?

3 MR. HALEY: No, your Honor.

4 MR. LA RUSSO: No, your Honor.

5 THE COURT: I am going to say a little bit more
6 about the importance of jury selection. I'll give a
7 longer speech about that, we'll do that as well. In terms
8 of the procedure. As you can see from the script, I'll
9 give them the summary of the case, and the first thing
10 that I going to do before I ask any other questions then
11 is hardships. That's going to take a big portion of the
12 courtroom out. I'll do hardships, introduce the counsel
13 and then once I get through the preliminary questions,
14 we'll put the jurors in the box. There's some chairs in
15 the front to equal 40, and I use the struck method which
16 means that you'll see all the jurors who will potentially
17 be on the jury in the box. So I'll continue asking
18 questions. If one gets excused for cause we'll keep going
19 until we get through all the questions and we have 40
20 jurors for whom there are no challenges for cause. And
21 then once we complete that process.

22 There's 10 strikes for the defense, six strikes
23 for the government. So on the first 28 jurors you'll be
24 exercising those challenges for the first 28 jurors and
25 I'll get the 12 and then we'll have six alternates for

24

1 which get three strikes each. So the alternates will come
2 from jurors 29 through 40. If someone doesn't use one of
3 their challenges we start eliminating jurors from the back
4 end. It's the simplest way that I can explain it. So
5 ready for the general panel?

6 MR. LA RUSSO: Judge, would you consider two
7 extra peremptory challenges?

8 THE COURT: You said two? One each I'll give
9 you.

10 MR. HALEY: Your Honor, that would be a joint
11 application.

12 MR. LA RUSSO: We're going to be exercising
13 jointly not severally.

14 THE COURT: That's fine. I'll give you 12.
15 Government gets six, you'll get 12. So we'll have six
16 rounds. The government exercises one in each round, they
17 go first and you'll have two in each round. So we'll
18 select 42 jurors and then the numbers will be just jurors
19 one through 30 will be on the first 12.

20 MR. HALEY: Your Honor, in that process the
21 foreperson of the jury would be left to right?

22 THE COURT: The first chair on that ground
23 closest to me will be juror number one, we'll go left to
24 right.

25 MR. HALEY: Thank you.

25

1 THE COURT: All right.

2 Let's get the panel.

3 MR. LA RUSSO: Yes, your Honor.

4 (At this point a panel of prospective jurors was
5 called for the commencement of the jury selection.

6 (Continued on next page.)

JURY SELECTION

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1 (Jury selection commenced at 11:05 a.m.)
 2 (Whereupon the jurors enter the courtroom.)
 3 THE COURT: United States versus Philip Kenner and
 4 Tommy Constantine, 13-CR-607.
 5 Is the government ready?
 6 MS. KOMATIREDDY: We are.
 7 THE COURT: Is the defense ready?
 8 MR. HALEY: Yes, Your Honor.
 9 MR. LaRUSSO: Yes, Your Honor.
 10 THE COURT: Good morning, ladies and gentlemen. I
 11 want to welcome you to the United States District Court for
 12 the Eastern District of New York. My name is Judge Joseph
 13 Bianco and I will be presiding over the trial that is about to
 14 begin.
 15 We are here this morning to select a jury in a
 16 criminal case. The first order of business is for you to take
 17 an oath as potential jurors in this case. So I'm going to ask
 18 that you all please rise and raise your right hand.
 19 (Whereupon the prospective jurors are sworn to
 20 answer truthfully by the clerk.)
 21 ALL JURORS: Yes.
 22 THE COURT: Okay. You can be seated.
 23 We're about to begin the process of selecting the
 24 jurors who will hear and decide this case. The trial is
 25 anticipated to take approximately five weeks. We will be

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1 sitting Monday through Thursday from 9:30 to 4:30. Following
 2 jury selection this week, the trial will begin Monday, next
 3 Monday, May 4th. So we're going to select the jury.
 4 Hopefully we'll finish today. And then once we finish the
 5 jury selection, the actual trial will begin on Monday, May
 6 4th.
 7 I want to thank you for being here. Your presence
 8 reflects your serious commitment to your civic
 9 responsibilities. I recognize that some of you are
 10 significantly inconvenienced by your jury service. Jury
 11 service offers one of the highest and most important duties of
 12 citizens. Our system of justice depends on you. And I, like
 13 all my fellow judges, are grateful to you for your service.
 14 In a few minutes, if you have an extraordinary
 15 personal hardship that prevents you from serving in this case
 16 for the amount of time that I've indicated, which is
 17 approximately five weeks, you will have an opportunity to
 18 bring that to my attention. I emphasize extraordinary because
 19 I said I know many of you have jobs or other places you'd
 20 rather be. But the hardship must be extraordinary for you to
 21 be excused. So I appreciate your full cooperation.
 22 I just want to emphasize that point to you. I live
 23 in the real world. I have five children. So I know asking
 24 people to serve for five weeks, take five weeks out of their
 25 life is a big commitment. I understand that. My goal is not

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1 to make anyone miserable here today. If you have a hardship
 2 I'm not going to force you to serve. So for those of you who
 3 are sitting there and are able to serve and are thinking to
 4 yourself, I'd rather just not serve. I just want to emphasize
 5 that our system of justice depends on citizens coming forward
 6 and serving their civic obligation to serve on juries. This
 7 may sound corny to you, but this is what makes this country
 8 great.
 9 Tomorrow morning, this courtroom, we have a
 10 naturalization ceremony. Over a hundred people have come from
 11 all corners of the world to become citizens in this great
 12 country. And many of them are coming from countries that have
 13 no right to a jury trial. It's one of the cornerstones of our
 14 democracy and one of the things that makes our country great.
 15 But it doesn't work if people are unwilling to serve.
 16 So today, each of you will be called upon as
 17 citizens to step up to the plate and perform your duty as a
 18 citizen. And I'm hoping that you will take that into
 19 consideration as you sit here.
 20 I was called a few years ago, myself, to go to
 21 Mineola to serve on a jury. In fact, I sat there just like
 22 you are today. Nobody wanted me, but that is how strong I
 23 feel about this. I feel that deep in my heart. And I hope
 24 those of you who are able to serve will step up to the plate
 25 to perform your civic duty. I think I've said enough on that.

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1 The purpose of this procedure is to select a panel
 2 of 12 fair and impartial jurors and six fair and impartial
 3 alternate jurors to try this case. I will ask you questions
 4 with respect to your background. I apologize in advance for
 5 asking you these questions, which I must, for the purpose of
 6 selecting a fair and impartial jury panel.
 7 My questions and your responses to my questions
 8 enable me to determine if any prospective juror should be
 9 excused for cause. The questioning, ultimately, allow the
 10 parties to exercise their judgment with respect to their what
 11 are called peremptory challenges under the law. That is,
 12 challenges for no which reason need be given. Each side has
 13 been provided a certain number of these peremptory challenges
 14 that they are free to exercise.
 15 If any time you feel uncomfortable, for any reason,
 16 in answering a question in front of the other jurors, just ask
 17 to come up here at sidebar and I will discuss it with you in
 18 the presence of the attorneys and the court reporter only.
 19 If I decide you should not sit as a juror here,
 20 please understand that it does not in any way reflect badly on
 21 you. Our system simply requires jurors who are not only
 22 totally impartial, but also lack even the appearance of being
 23 impartial or bias. Such an appearance may arise from a
 24 perspective juror's relationship to the case, the parties, or
 25 the subject matter of the case.

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1 If for any reason I decide to excuse you, you may
 2 still be able to serve as a juror in a different case. So if
 3 I excuse you from this case I will ask you to return to the
 4 central jury room downstairs where you began this morning.
 5 They will give you further instructions. So if I say you're
 6 excused, you don't go home. You go back to the first floor.
 7 So you can understand the reason for the questions I
 8 will be asking you shortly, I want to tell you briefly about
 9 the case. As I explained, this is a criminal case. It is
 10 entitled, "United States versus Philip Kenny and Tommy
 11 Constantine." In a criminal case, the charges against the
 12 defendant are contained in what is called an indictment. An
 13 indictment is not evidence. It simply contains the charges
 14 against each defendant, and no inference may be drawn against
 15 the defendants from the existence of the indictment. You must
 16 always keep in mind that the defendants are presumed innocent,
 17 that each defendant has entered a plea of not guilty to the
 18 charges against him, and that the government must prove beyond
 19 a reasonable doubt the charges in the indictment.
 20 I also want you to understand that nothing I say
 21 today regarding the description of the case is evidence. The
 22 evidence that you will consider, if selected as a juror, will
 23 only come from the trial testimony of witnesses and from
 24 exhibits that are admitted into evidence. I will now briefly
 25 summarize the charges in the indictment. My summary is only

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1 intended to assist you in considering whether you can sit as a
 2 fair and impartial juror in this case.
 3 The defendants are charged in a nine count
 4 indictment in connection with an alleged fraud scheme against
 5 investors. Counts one through six of the indictment, which
 6 are alleged against both defendants, relate to an alleged
 7 fraud between August of 2002 and April of 2013 arising from
 8 the investment of funds in (1) real estate in Hawaii, (2) a
 9 company named Eufora, and (3) an entity known as the "Global
 10 Defense Fund." In particular, it is alleged that the
 11 defendants defrauded investors, some of whom were former and
 12 current professional National Hockey League players by making
 13 false representations to investors and diverting funds that
 14 were intended for investments.
 15 Counts seven and eight, which were asserted against
 16 Philip Kenner alone, relate to an alleged fraud between
 17 October of 2006 and May of 2012 in connection with an
 18 investment in a property located in Sag Harbor, New York,
 19 through a company called "Led Better Development Company,
 20 LLC."
 21 Both defendants are charged in Count Nine in the
 22 indictment, which alleges that the defendants engaged in a
 23 money laundering conspiracy in connection with the alleged
 24 fraud scheme.
 25 So that is a basic summary of the allegations

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1 contained in the indictment. Now I'm going start asking you a
 2 series of questions. The first question is, do any of you
 3 have any physical problems or extraordinary personal hardship
 4 that would prevent you from serving in this case for the
 5 amount of time that I've indicated, which is approximately
 6 five weeks starting from next Monday?
 7 Some hands have gone up. I'll take these at
 8 sidebar. We'll do them by section. So don't just start
 9 walking up. My law clerk and the deputies will line you up.
 10 You don't need to keep your hands up, that's fine. You can
 11 put your hands down. We're going to do it by section. We'll
 12 start with this section to my right.
 13 Okay. Anyone who has a hardship, speak to my
 14 deputy. She'll give you a number and you'll come up to the
 15 sidebar.
 16 The lawyers, come up to the sidebar.
 17 (Whereupon a sidebar conference was conducted.)
 18 (Prospective juror approaches the sidebar.)
 19 THE COURT: Can you state your name for the record.
 20 PROSPECTIVE JUROR: Shari Beyersdorf.
 21 THE COURT: Number 126.
 22 Go ahead. What is the issue?
 23 PROSPECTIVE JUROR: Well, I just got a new job.
 24 I've only been there for two months. So I'm on probation.
 25 I'm not sure that I can really leave for five weeks.

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1 THE COURT: I will excuse you. Just stay in the
 2 audience for now.
 3 (Prospective juror leaves the sidebar.)
 4 (Prospective juror approaches sidebar.)
 5 THE COURT: Can you state your name for the record.
 6 PROSPECTIVE JUROR: Hilmar Campos.
 7 THE COURT: Number 120.
 8 What is the issue?
 9 PROSPECTIVE JUROR: The issue is I am the only
 10 income for the house. And if this case is more than one day
 11 or two, it will really hurt my...
 12 THE COURT: You're self-employed. Is that what you
 13 said?
 14 PROSPECTIVE JUROR: No, no, no. I am the only
 15 income for my family. I am the only one working. I am
 16 willing to serve a case a day or two at most.
 17 THE COURT: I will excuse you in a minute. Stay in
 18 the audience for now.
 19 (Prospective juror leaves the sidebar.)
 20 (Prospective juror approaches sidebar.)
 21 PROSPECTIVE JUROR: Number 106.
 22 THE COURT: Mr. R-O-Z-O-K-I-S.
 23 PROSPECTIVE JUROR: Rozokis. I'm actively going
 24 through the NYPD hiring process. I have a series of
 25 obligations and appointments.

1 THE COURT: Over the next couple of weeks.
 2 PROSPECTIVE JUROR: I'm going to be meeting with my
 3 investigator shortly. I just passed the JST and the medical
 4 and drug tests.
 5 THE COURT: I'll excuse you. Stay in the audience
 6 for now. I will excuse you in a minute.
 7 (Prospective juror leaves the sidebar.)
 8 (Prospective juror approaches sidebar.)
 9 THE COURT: Number 141, Galo Montero.
 10 Mr. Montero, go ahead, what's the issue?
 11 PROSPECTIVE JUROR: I start May 22 to my country.
 12 THE COURT: Okay. I'll excuse you in a minute.
 13 Just stay in the audience.
 14 PROSPECTIVE JUROR: Okay.
 15 (Prospective juror leaves the sidebar.)
 16 (Prospective juror approaches sidebar.)
 17 THE COURT: 136 is Cicchillo.
 18 PROSPECTIVE JUROR: Yes. So my son is scheduled to
 19 have a heart procedure on June 5th. You said five weeks.
 20 That's just under six.
 21 THE COURT: I'll excuse you in a minute. Just stay
 22 in the audience, okay. Good luck with that.
 23 (Prospective juror leaves the sidebar.)
 24 (Prospective juror approaches sidebar.)
 25 THE COURT: Number 117. Mr. Sohre.

1 PROSPECTIVE JUROR: I'm self-employed. Five weeks,
 2 I have two young kids.
 3 THE COURT: I will excuse you in a minute. Just
 4 stay in the audience.
 5 (Prospective juror leaves the sidebar.)
 6 (Prospective juror approaches sidebar.)
 7 PROSPECTIVE JUROR: Number 134.
 8 THE COURT: 134, Mr. P-A-K.
 9 PROSPECTIVE JUROR: Well, I have an
 10 11-month-year-old baby and my wife is always home. One week
 11 or two weeks is fine. Five weeks is just too much.
 12 THE COURT: You mean you have to help to take care
 13 of the child?
 14 PROSPECTIVE JUROR: Yes.
 15 THE COURT: I will excuse you in a moment. Just
 16 stay in the audience for now.
 17 (Prospective juror leaves the sidebar.)
 18 (Prospective juror approaches sidebar.)
 19 THE COURT: Number 93, Ms. Abrahante.
 20 PROSPECTIVE JUROR: I live with my mother. I am the
 21 head of the household. So for to not be able to work, I won't
 22 be able to pay the rent. She doesn't work.
 23 THE COURT: I'll excuse you in a moment. Just stay
 24 in the audience for now.
 25 PROSPECTIVE JUROR: Okay.

1 (Prospective juror leaves the sidebar.)
 2 (Prospective juror approaches sidebar.)
 3 THE COURT: Number 35.
 4 PROSPECTIVE JUROR: 35.
 5 THE COURT: Mr. Chang, what's the issue?
 6 PROSPECTIVE JUROR: I have a problem understanding
 7 like court terminology, things like that also. I have a
 8 problem with my family issue as well. So I cannot be here for
 9 five weeks.
 10 THE COURT: I'll excuse you in a minute. Just stay
 11 in the audience for now.
 12 (Prospective juror leaves the sidebar.)
 13 (Prospective juror approaches sidebar.)
 14 THE COURT: This is Number 20.
 15 Ms. Heller, what is the issue?
 16 PROSPECTIVE JUROR: I work for a hospital. I get
 17 two weeks jury time. After that I take it without pay.
 18 THE COURT: I'll excuse you in a minute. Just stay
 19 in the audience for now.
 20 (Prospective juror leaves the sidebar.)
 21 (Prospective juror approaches sidebar.)
 22 THE COURT: Number 105?
 23 PROSPECTIVE JUROR: Yes.
 24 THE COURT: Mr. Gunsel.
 25 PROSPECTIVE JUROR: I would like to be here.

1 However, I am a military reservist who just returned from two
 2 weeks. And I'm a school teacher, coming up to exams. I need
 3 to be in the classroom.
 4 THE COURT: I'll excuse you. Just stay in the
 5 audience for now.
 6 PROSPECTIVE JUROR: Thank you.
 7 (Prospective juror leaves the sidebar.)
 8 (Prospective juror approaches sidebar.)
 9 THE COURT: This is Number 52.
 10 PROSPECTIVE JUROR: 52.
 11 THE COURT: Ms. Boorum?
 12 PROSPECTIVE JUROR: Yes.
 13 THE COURT: What is the issue?
 14 PROSPECTIVE JUROR: The issue is I run a department
 15 for the Suffolk Federal Credit Union, director of lending. It
 16 would be a huge hardship for me to be aware from operations
 17 for five weeks.
 18 THE COURT: No one can fill-in for you during that
 19 period?
 20 PROSPECTIVE JUROR: Not really.
 21 THE COURT: I'll excuse you. Just stay in the
 22 audience for now.
 23 (Prospective juror leaves the sidebar.)
 24 (Prospective juror approaches sidebar.)
 25 THE COURT: This is Number 92.

1 Mr. Bruno, what is the issue?
 2 PROSPECTIVE JUROR: Okay. Well, I have two issues.
 3 First would be financial and the other would be a scheduling
 4 issue. I work as an explosive detection X-ray screener at the
 5 New York Stock Exchange. So five weeks would mean, to me,
 6 \$4,000 in salary I would not be reimbursed for.
 7 THE COURT: I'll excuse you. Just stay in the
 8 audience for right now.
 9 PROSPECTIVE JUROR: Go downstairs?
 10 THE COURT: I'm going to excuse you in a minute.
 11 Just stay here now.
 12 (Prospective juror leaves the sidebar.)
 13 (Prospective juror approaches sidebar.)
 14 THE COURT: Hello. Number 67, Ms. Talik.
 15 Go ahead.
 16 PROSPECTIVE JUROR: I work for a school. There's
 17 literally eight weeks of school left. I have two children I
 18 have to pick up right after work. I commute from Riverhead.
 19 THE COURT: I'll excuse you in a moment. Stay in
 20 the audience.
 21 PROSPECTIVE JUROR: Okay.
 22 (Prospective juror leaves the sidebar.)
 23 (Prospective juror approaches sidebar.)
 24 THE COURT: Number 112, Mr. Seehof.
 25 PROSPECTIVE JUROR: I have a mother that is on

1 disability right now. I take care of her physically. As far
 2 as financially, my job includes four people, which would take
 3 a quarter percent of the people out of the company, and I
 4 can't afford to do that.
 5 THE COURT: I'll excuse you in a moment. Just stay
 6 in the audience for right now.
 7 PROSPECTIVE JUROR: Yes.
 8 (Prospective juror leaves the sidebar.)
 9 (Prospective juror approaches sidebar.)
 10 THE COURT: 103. Give me one second.
 11 Mr. Lynch, go ahead.
 12 PROSPECTIVE JUROR: Yes. I can barely afford to be
 13 here today much less take off five weeks. The company I
 14 worked for the last 20 years closed up shop last September.
 15 I've been able to get work again, but I was out without health
 16 insurance. My wife's sick. They don't know what kind of
 17 sickness, soak up my savings. I'm not going to make my
 18 mortgage this month for the first time since '97.
 19 THE COURT: I understand your situation. I will
 20 excuse you in a moment. Sit back down for a moment.
 21 PROSPECTIVE JUROR: Yes.
 22 (Prospective juror leaves the sidebar.)
 23 (Prospective juror approaches sidebar.)
 24 THE COURT: Number 87, Ms. Suss.
 25 PROSPECTIVE JUROR: I am a partner in a small CPA

1 firm, and I just can't be away from my business for five
 2 weeks.
 3 THE COURT: I'll excuse you in a moment. Just stay
 4 in the audience for now.
 5 PROSPECTIVE JUROR: Yes.
 6 (Prospective juror leaves the sidebar.)
 7 (Prospective juror approaches sidebar.)
 8 THE COURT: Number 79, Mr. Mangalindan.
 9 PROSPECTIVE JUROR: I'm going to have a hardship
 10 coming here. I live in Jackson Heights, Queens. The only
 11 transportation is the LIRR and subway.
 12 THE COURT: How long did it take you to get here
 13 today?
 14 PROSPECTIVE JUROR: This morning I left 8:00. I
 15 arrived at 9:20.
 16 THE COURT: So what's the total travel time then?
 17 PROSPECTIVE JUROR: Approximately one hour and 30
 18 minute, approximately. That's my guess. I was on the train.
 19 THE COURT: You know, you get reimbursed for the
 20 cost of that. You don't think that you can do it?
 21 PROSPECTIVE JUROR: If you don't mind I'll be coming
 22 late here, I don't mind it. I'm willing to serve.
 23 THE COURT: We start at 9:30.
 24 PROSPECTIVE JUROR: That's my concern, coming here
 25 late.

1 THE COURT: Can you get here by 9:30 everyday?
 2 PROSPECTIVE JUROR: Yes.
 3 THE COURT: Great, thank you.
 4 PROSPECTIVE JUROR: Okay.
 5 (Prospective juror leaves the sidebar.)
 6 (Prospective juror approaches sidebar.)
 7 THE COURT: Next is 24, Mr. Kornobis.
 8 What's the issue?
 9 PROSPECTIVE JUROR: I have a family vacation that
 10 I've bought and paid for in Charleston. I'll be out from
 11 May 8th to the 12th.
 12 THE COURT: I'll excuse you in a moment. Just wait
 13 in the audience for now.
 14 PROSPECTIVE JUROR: Yes.
 15 (Prospective juror leaves the sidebar.)
 16 (Prospective juror approaches sidebar.)
 17 THE COURT: Number 31, Mr. Rosenfeld.
 18 PROSPECTIVE JUROR: Yes. I'm the only source of
 19 income in the family. I work in commercial real estate
 20 brokerage. I'm 100 percent commission.
 21 THE COURT: I'll excuse you in a minute. Just wait
 22 in the audience.
 23 PROSPECTIVE JUROR: Okay.
 24 (Prospective juror leaves the sidebar.)
 25 (Prospective juror approaches sidebar.)

1 THE COURT: Number 91. Give me one second.
 2 Ms. Hakim, what is the issue?
 3 PROSPECTIVE JUROR: My daughter, she is about to
 4 give birth to my first grandchild.
 5 THE COURT: Congratulations. You going to help her
 6 out?
 7 PROSPECTIVE JUROR: Yes. She might -- yeah.
 8 THE COURT: I'll excuse you in a minute. Just wait
 9 in the audience.
 10 PROSPECTIVE JUROR: Yes.
 11 (Prospective juror leaves the sidebar.)
 12 (Prospective juror approaches sidebar.)
 13 THE COURT: Number 78, Mr. Polidori.
 14 PROSPECTIVE JUROR: I'm in HR, planning and
 15 scheduling 120 employees in operation. Five weeks is
 16 excessive.
 17 THE COURT: I'll excuse you in a moment. Just wait
 18 in the audience.
 19 PROSPECTIVE JUROR: Thank you.
 20 (Prospective juror leaves the sidebar.)
 21 (Prospective juror approaches sidebar.)
 22 THE COURT: Number 28, Mr. Feeney.
 23 PROSPECTIVE JUROR: The time period of five weeks,
 24 I'm a general manager of a McDonald's. So I'm in charge of
 25 operations. If I'm not there, it's not good for my store.

1 And also, my sister's getting married next month. My mom's
 2 very sick so I have to take care of her next month when she
 3 goes on her honeymoon.
 4 THE COURT: You can wait in the audience for now. I
 5 will excuse you.
 6 PROSPECTIVE JUROR: Thank you.
 7 (Prospective juror leaves the sidebar.)
 8 (Prospective juror approaches sidebar.)
 9 THE COURT: Number 27, Mr. Deedy.
 10 PROSPECTIVE JUROR: I'm a high school teacher for
 11 BOSS's. I teach a very specific curriculum, and we're coming
 12 up on final exams and assessments. To miss the next five
 13 weeks would put me at the end of school.
 14 THE COURT: I'll excuse you in a moment. Just wait
 15 in the audience for now.
 16 PROSPECTIVE JUROR: Yes.
 17 (Prospective juror leaves the sidebar.)
 18 (Prospective juror approaches sidebar.)
 19 THE COURT: Number 29, Ms. Perlmutter.
 20 PROSPECTIVE JUROR: Unfortunately, my employer, he's
 21 a little crazy and doesn't think the laws apply to him. He
 22 expects me back to work tomorrow. If I'm gone for five weeks,
 23 I will most definitely lose my job.
 24 THE COURT: He can't fire you for serving on a jury.
 25 But if you're going to be worried about that, I don't want you

1 to serve on a jury and be worried.
 2 PROSPECTIVE JUROR: Unfortunately he's already
 3 e-mailing me, You'll be back tomorrow, right? You'll be back
 4 tomorrow, right? So...
 5 THE COURT: I can speak to him.
 6 PROSPECTIVE JUROR: Unfortunately, he's crazy.
 7 THE COURT: So you'd rather not serve.
 8 PROSPECTIVE JUROR: I would love to do my civic
 9 duty, but I'd also like to have a job.
 10 THE COURT: But I'm serious, I wasn't kidding. I
 11 will call him.
 12 PROSPECTIVE JUROR: I cannot afford to work. They
 13 will only cover three days of jury duty.
 14 THE COURT: I'll excuse you.
 15 PROSPECTIVE JUROR: I appreciate it.
 16 THE COURT: Wait in the audience for now.
 17 PROSPECTIVE JUROR: Yes.
 18 (Prospective juror leaves the sidebar.)
 19 (Prospective juror approaches sidebar.)
 20 THE COURT: Number 44, Ms. Joseph.
 21 PROSPECTIVE JUROR: I'm in school.
 22 THE COURT: You're a student?
 23 PROSPECTIVE JUROR: Yes.
 24 THE COURT: I'll excuse you in a minute. Just wait
 25 in the audience.

1 PROSPECTIVE JUROR: Yes.
 2 (Prospective juror leaves the sidebar.)
 3 (Prospective juror approaches sidebar.)
 4 THE COURT: Number 73, Mr. Augustin.
 5 PROSPECTIVE JUROR: I'm a medical doctor. For five
 6 weeks, I don't think I would be able to do that.
 7 THE COURT: I will excuse you in a moment. Just
 8 wait in the audience.
 9 PROSPECTIVE JUROR: Okay.
 10 (Prospective juror leaves the sidebar.)
 11 (Prospective juror approaches sidebar.)
 12 THE COURT: Number 36, Mr. Sands.
 13 PROSPECTIVE JUROR: Yes. I take classes at Queens
 14 College at 5:00. I just can't afford to miss five weeks.
 15 THE COURT: I'll excuse you in a moment. Just wait
 16 in the audience.
 17 PROSPECTIVE JUROR: Thank you.
 18 (Prospective juror leaves the sidebar.)
 19 (Prospective juror approaches sidebar.)
 20 THE COURT: Number 61, Ms. Ostroski.
 21 PROSPECTIVE JUROR: Actually, I would be glad to
 22 serve.
 23 THE COURT: Good to hear that.
 24 PROSPECTIVE JUROR: I'm excited. However, I just
 25 escaped foreclosure in February by the skin of my teeth. And

1 if I miss several weeks of work, I'm done.
 2 THE COURT: I'll excuse you in a moment. Just wait
 3 in the audience.
 4 PROSPECTIVE JUROR: Thank you, very much.
 5 (Prospective juror leaves the sidebar.)
 6 (Prospective juror approaches sidebar.)
 7 THE COURT: Number 69, one second.
 8 Ms. Merhige.
 9 PROSPECTIVE JUROR: I had a back injury a few weeks
 10 ago I was treated for. I didn't have an opportunity to get a
 11 doctor's note. Prolonged sitting is painful.
 12 THE COURT: I'll excuse you. Just wait in the
 13 audience for a minute.
 14 (Prospective juror leaves the sidebar.)
 15 (Prospective juror approaches sidebar.)
 16 THE COURT: Hello. Number 97, Ms. Hessel-Roher.
 17 PROSPECTIVE JUROR: My mother was just discharged
 18 from the hospital. She can't take care of herself.
 19 THE COURT: I'll excuse you in a moment. Just wait
 20 in the audience.
 21 PROSPECTIVE JUROR: Thank you.
 22 (Prospective juror leaves the sidebar.)
 23 (Prospective juror approaches sidebar.)
 24 THE COURT: Number 5.
 25 PROSPECTIVE JUROR: I'm going to be completely

1 honest.
 2 THE COURT: One moment. Ms. Rodriguez?
 3 PROSPECTIVE JUROR: Yes. I'm going to be completely
 4 honest. I have family that's going through trial right now.
 5 THE COURT: So you don't think you can sit?
 6 PROSPECTIVE JUROR: No.
 7 THE COURT: I will excuse you in a moment. Wait in
 8 the audience.
 9 PROSPECTIVE JUROR: Yes.
 10 (Prospective juror leaves the sidebar.)
 11 (Prospective juror approaches sidebar.)
 12 THE COURT: Number 55, Mr. Vlantis.
 13 PROSPECTIVE JUROR: I'm going away the last week of
 14 May.
 15 THE COURT: You're on vacation?
 16 PROSPECTIVE JUROR: Yes.
 17 THE COURT: I'll excuse you in a moment. Just wait
 18 in the audience.
 19 PROSPECTIVE JUROR: Thank you very much.
 20 (Prospective juror leaves the sidebar.)
 21 (Prospective juror approaches sidebar.)
 22 THE COURT: Number 9?
 23 PROSPECTIVE JUROR: Yes.
 24 THE COURT: Ms. Lipset.
 25 PROSPECTIVE JUROR: I don't get paid. I'm a yoga

1 instructor. So I'm out today, I'm losing about \$200.
 2 THE COURT: I'll excuse you in a moment. Just wait
 3 in the audience.
 4 (Prospective juror leaves the sidebar.)
 5 (Prospective juror approaches sidebar.)
 6 THE COURT: Can I just have your number, thanks.
 7 85.
 8 PROSPECTIVE JUROR: Jennifer Capobianco.
 9 THE COURT: Go ahead.
 10 PROSPECTIVE JUROR: I'm a senior aid in a hospital.
 11 THE COURT: You brought proof, huh?
 12 PROSPECTIVE JUROR: I got proof. I just took my
 13 course. I finished dialysis technician. I'm taking the state
 14 test in four weeks, okay. I really can't afford to be here.
 15 THE COURT: I'll excuse you in a moment. Wait in
 16 the audience.
 17 PROSPECTIVE JUROR: Thank you.
 18 (Prospective juror leaves the sidebar.)
 19 (Prospective juror approaches sidebar.)
 20 THE COURT: 45?
 21 PROSPECTIVE JUROR: Yes.
 22 THE COURT: Mr. Hultberg.
 23 PROSPECTIVE JUROR: Yes. I don't know if this would
 24 count. I have elderly parents in Missouri who are selling
 25 their home as a financial hardship. I am the only child. I

1 am supposed to be there the end of May, beginning of June to
 2 help them pack and get them out of the house. It's really the
 3 five weeks, it's not the --
 4 THE COURT: I appreciate that. I'll excuse you. I
 5 don't want you to miss out on that. Wait in the audience for
 6 right now.
 7 PROSPECTIVE JUROR: Thank you.
 8 (Prospective juror leaves the sidebar.)
 9 (Prospective juror approaches sidebar.)
 10 THE COURT: Number 49.
 11 PROSPECTIVE JUROR: Donna Santoro. I am the primary
 12 caregiver for the 13-year-old. My husband works full-time.
 13 We don't have bus transportation from school. A week or two
 14 weeks, sure. But five weeks is pushing it.
 15 THE COURT: I will excuse you in a moment. Wait in
 16 the audience.
 17 PROSPECTIVE JUROR: Thank you.
 18 (Prospective juror leaves the sidebar.)
 19 (Prospective juror approaches sidebar.)
 20 THE COURT: Number 68, Mr. Tomala.
 21 PROSPECTIVE JUROR: I want to say I am the main
 22 source of income for my household. My wife makes minimum wage
 23 I can't afford to be over for five weeks.
 24 THE COURT: I'll excuse you in a moment. Wait in
 25 the audience.

1 PROSPECTIVE JUROR: Thank you, Your Honor.
 2 (Prospective juror leaves the sidebar.)
 3 (Prospective juror approaches sidebar.)
 4 THE COURT: This is Number 98, Mr. Simon.
 5 PROSPECTIVE JUROR: I am a sole practitioner. I
 6 have my own bills. There is no one else.
 7 THE COURT: I will excuse you in a moment. Wait in
 8 the audience.
 9 PROSPECTIVE JUROR: Okay.
 10 (Prospective juror leaves the sidebar.)
 11 (Prospective juror approaches sidebar.)
 12 THE COURT: Number 94, Mr. Marrano.
 13 PROSPECTIVE JUROR: I have a paid for vacation to
 14 Italy the 23rd of May.
 15 THE COURT: I will excuse you in a moment. Wait in
 16 the audience.
 17 PROSPECTIVE JUROR: Yes.
 18 (Prospective juror leaves the sidebar.)
 19 (Prospective juror approaches sidebar.)
 20 THE COURT: This is Number 57.
 21 Mr. Newman, go ahead.
 22 PROSPECTIVE JUROR: I work overnight at Lowe's. And
 23 to do this trial for five weeks, I'd be getting like two hours
 24 of sleep each day. That would be a little bit of a problem.
 25 THE COURT: I will excuse you. Wait in the

1 audience.
 2 PROSPECTIVE JUROR: Thank you. Have a good day.
 3 (Prospective juror leaves the sidebar.)
 4 (Prospective juror approaches sidebar.)
 5 THE COURT: Number 76, Ms. Rostron.
 6 PROSPECTIVE JUROR: My wedding is May 29th. And I
 7 leave for my honeymoon the next day.
 8 THE COURT: That's a good excuse. I will excuse you
 9 in a moment. Wait in the audience.
 10 PROSPECTIVE JUROR: Thank you.
 11 (Prospective juror leaves the sidebar.)
 12 (Prospective juror approaches sidebar.)
 13 THE COURT: This is Number 95, Mr. Romano.
 14 PROSPECTIVE JUROR: I don't know if my job will
 15 allow me to be out for five weeks. Plus, my wife has MS.
 16 THE COURT: You have to help her out?
 17 PROSPECTIVE JUROR: That's up to you.
 18 THE COURT: You know better than I do.
 19 PROSPECTIVE JUROR: It's my job.
 20 THE COURT: What type of job?
 21 PROSPECTIVE JUROR: I work for County of Public
 22 Works.
 23 THE COURT: The county?
 24 PROSPECTIVE JUROR: Yes.
 25 THE COURT: The county will reimburse you.

1 PROSPECTIVE JUROR: Yes.
 2 THE COURT: What about your wife?
 3 PROSPECTIVE JUROR: She has MS, and sometimes she
 4 has episodes. I don't want to tie myself up.
 5 THE COURT: If it was an emergency I'd let you go.
 6 You work everyday?
 7 PROSPECTIVE JUROR: Yes.
 8 THE COURT: If you end up serving on the jury, you
 9 can contact your employer. If they tell you something
 10 different, let me know. But I'm pretty confident the county
 11 will pay you for the time.
 12 PROSPECTIVE: I didn't know. I wasn't sure.
 13 (Prospective juror leaves the sidebar.)
 14 (Prospective juror approaches sidebar.)
 15 THE COURT: Okay. This is Number 72.
 16 PROSPECTIVE JUROR: Amy Scott. I'm going to be away
 17 to a required meeting on June 7th in Virginia. It's right at
 18 the end.
 19 THE COURT: I'm going to excuse you. I don't want
 20 to cut it close. Wait in the audience for now.
 21 PROSPECTIVE JUROR: Thank you.
 22 (Prospective juror leaves the sidebar.)
 23 (Prospective juror approaches sidebar.)
 24 THE COURT: This is Number 81, Mr. Kashkin.
 25 PROSPECTIVE JUROR: Yes. I am at a job a little

1 over six months. I am the person in charge. There's nobody
 2 that can take my place. I'm already down two managers as
 3 well. So it would be a tremendous inconvenience.
 4 THE COURT: I'll excuse you in a minute. Wait in
 5 the audience.
 6 PROSPECTIVE JUROR: Sure.
 7 (Prospective juror leaves the sidebar.)
 8 (Prospective juror approaches sidebar.)
 9 THE COURT: Number 3, Ms. Lewis.
 10 PROSPECTIVE JUROR: Yes. I work for PDD, People
 11 with Developmental Disabilities. I am the manager of the
 12 program. It's a hardship to come here. I would like to be
 13 excused.
 14 THE COURT: I will excuse you in a moment. Wait in
 15 the audience for now.
 16 PROSPECTIVE JUROR: Thanks.
 17 (Prospective juror leaves the sidebar.)
 18 (Prospective juror approaches sidebar.)
 19 THE COURT: This is Number 88, Ms. Huerta.
 20 PROSPECTIVE JUROR: Yes. This is my second
 21 language. I don't understand what is going on completely.
 22 And I have kids also to pick up like every day from the
 23 school, different schools.
 24 THE COURT: I will excuse you in a moment. Wait in
 25 your chair for now.

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1 PROSPECTIVE JUROR: Thank you. Yes.
 2 (Prospective juror leaves the sidebar.)
 3 (Prospective juror approaches sidebar.)
 4 THE COURT: Number 65, Mr. Kolasinski.
 5 PROSPECTIVE JUROR: I want to be excused because of
 6 the language. I don't understand everything. I cannot speak
 7 proper English.
 8 THE COURT: I will excuse you in a minute. Wait in
 9 your chair for now.
 10 PROSPECTIVE JUROR: Okay.
 11 (Prospective juror leaves the sidebar.)
 12 (Prospective juror approaches sidebar.)
 13 THE COURT: Number 15.
 14 PROSPECTIVE JUROR: Yes.
 15 THE COURT: Ms. Dottin.
 16 PROSPECTIVE JUROR: I work for a nonprofit
 17 organization and they don't pay you for coming to jury duty.
 18 They pay you vacation time. So far I only have 76 hours.
 19 THE COURT: I'll excuse you in a moment. Wait in
 20 the audience.
 21 PROSPECTIVE JUROR: Yes.
 22 MR. LaRUSSO: That is 15?
 23 THE COURT: Yes.
 24 (Prospective juror leaves the sidebar.)
 25 (Prospective juror approaches sidebar.)

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1 THE COURT: Number 16, Mr. Arundale.
 2 PROSPECTIVE JUROR: I have medical issues that I
 3 won't be able to sit on a jury. Gastrointestinal. I had a
 4 number of surgeries on my colon.
 5 THE COURT: All right.
 6 PROSPECTIVE JUROR: Also, I was a victim of an
 7 investment fraud for over \$25,000.
 8 THE COURT: I'll excuse you in a minute. Just wait
 9 in the audience.
 10 PROSPECTIVE JUROR: Where?
 11 THE COURT: Wait in your seat for now.
 12 PROSPECTIVE JUROR: Okay.
 13 (Prospective juror leaves the sidebar.)
 14 (Prospective juror approaches sidebar.)
 15 THE COURT: Number 26, Mr. Lyons.
 16 PROSPECTIVE JUROR: Yes. I am the board secretary
 17 for the Silverberg (phonetic) Ministries in Sayville, 501 C-3.
 18 I can maybe do a week. But five weeks, there's no one else
 19 that can do what I do.
 20 THE COURT: I will excuse you in a moment. Wait in
 21 your chair for now.
 22 PROSPECTIVE JUROR: Yes.
 23 (Prospective juror leaves the sidebar.)
 24 (Prospective juror approaches sidebar.)
 25 THE COURT: Number 25, Mr. DeLuca.

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1 PROSPECTIVE JUROR: I am a business owner. No way I
 2 can be away from work for five consecutive weeks.
 3 THE COURT: What type of business.
 4 PROSPECTIVE JUROR: Laboratory furniture,
 5 manufacturing.
 6 THE COURT: I will excuse you in a moment. Wait in
 7 your chair.
 8 PROSPECTIVE JUROR: Okay.
 9 (Prospective juror leaves the sidebar.)
 10 (Prospective juror approaches sidebar.)
 11 PROSPECTIVE JUROR: Hello. How are you?
 12 THE COURT: Number 89, Ms. --
 13 PROSPECTIVE JUROR: Mazurkiewicz.
 14 It would be a financial hardship because we need
 15 both my salary and my husband's. We have a mortgage and a car
 16 note. I also need to mention that my cousin was tried for the
 17 same situation, my first cousin.
 18 THE COURT: I will excuse you in a moment. Wait in
 19 your chair.
 20 PROSPECTIVE JUROR: Thank you.
 21 (Prospective juror leaves the sidebar.)
 22 (Prospective juror approaches sidebar.)
 23 THE COURT: Number 108, Ms. Schroder.
 24 PROSPECTIVE JUROR: I just got back to work. I've
 25 been out ten weeks with a broken shoulder. I'm still doing

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1 physical therapy three times a week.
 2 THE COURT: I'll excuse you in a moment. Wait in
 3 your chair.
 4 PROSPECTIVE JUROR: Thank you.
 5 (Prospective juror leaves the sidebar.)
 6 (Prospective juror approaches sidebar.)
 7 THE COURT: This is Number 62.
 8 PROSPECTIVE JUROR: Yes.
 9 THE COURT: Mr. Esposito.
 10 PROSPECTIVE JUROR: I don't think that I can do the
 11 five weeks for physical reasons. I have urinary problems with
 12 the prostate. I have kidney stones. I can't go for more
 13 than a couple of hours, I have to go to the men's room. I am
 14 sorry.
 15 THE COURT: That's all right. I'll excuse you in a
 16 moment. Stay in the courtroom.
 17 PROSPECTIVE JUROR: Okay.
 18 (Prospective juror leaves the sidebar.)
 19 (Prospective juror approaches sidebar.)
 20 THE COURT: Number 17, Ms. Zwalsky.
 21 PROSPECTIVE JUROR: My in-laws are celebrating their
 22 67th wedding anniversary on Sunday evening in Florida. Me and
 23 my family are scheduled to go. I'm not sure about getting
 24 back here on Monday at 9:30.
 25 THE COURT: I'll excuse you in a moment. Just wait

1 in your chair.
2 PROSPECTIVE JUROR: Thank you.
3 (Prospective juror leaves the sidebar.)
4 (Prospective juror approaches sidebar.)
5 THE COURT: Number 18, Mr. Klenja.
6 PROSPECTIVE JUROR: Yes.
7 THE COURT: What is the issue?
8 PROSPECTIVE JUROR: My issue is financial. I
9 wouldn't be able to afford to make my payments. My rent,
10 vehicle payments. I'm on call 24 hours a day for my company,
11 and there's only one of two operators.
12 THE COURT: I'll excuse you in a minute. Wait in
13 your chair.
14 PROSPECTIVE JUROR: I appreciate it.
15 (Prospective juror leaves the sidebar.)
16 (Prospective juror approaches sidebar.)
17 THE COURT: Number 21, Mr. Taylor.
18 PROSPECTIVE JUROR: Yes.
19 THE COURT: Go ahead.
20 PROSPECTIVE JUROR: I'm unemployed. I just accepted
21 a job this morning, I start May 11th. I don't think it will
22 be a good idea if I'm on this case.
23 THE COURT: I'll excuse you in a moment. Wait in
24 your chair.
25 PROSPECTIVE JUROR: Thank you.

1 (Prospective juror leaves the sidebar.)
2 (Prospective juror approaches sidebar.)
3 THE COURT: Number 22, Ms. Vitarelli.
4 PROSPECTIVE JUROR: I have information I want to
5 disclose. I'm involved in a class action lawsuit with an
6 investment fraud company. I invested \$10,000 of my money and
7 I'm involved in the suit. So I just want to disclose that. I
8 can provide the document if needed.
9 THE COURT: I'm going to excuse you from this case.
10 Not the best case for you to serve on. Wait in your chair.
11 PROSPECTIVE JUROR: Thank you.
12 (Prospective juror leaves the sidebar.)
13 (Prospective juror approaches sidebar.)
14 THE COURT: Number 34, George Agnello.
15 PROSPECTIVE JUROR: My son and daughter-in-law are
16 school teachers. They bring the children over at 6:30
17 everyday, I take them to school at 9:00.
18 THE COURT: I will excuse you. Wait in your chair.
19 PROSPECTIVE JUROR: Thank you.
20 (Prospective juror leaves the sidebar.)
21 (Prospective juror approaches sidebar.)
22 THE COURT: Number 124.
23 PROSPECTIVE JUROR: May I state why?
24 THE COURT: I need to find your name.
25 Ms. Kaiser.

1 PROSPECTIVE JUROR: I'm a single mom with five
2 children.
3 THE COURT: I have five children. I know how much
4 trouble that is.
5 PROSPECTIVE JUROR: I'm a teacher so I get home
6 early with them.
7 THE COURT: I'll excuse you. Wait in your chair for
8 a moment.
9 PROSPECTIVE JUROR: Thank you.
10 (Prospective juror leaves the sidebar.)
11 (Prospective juror approaches sidebar.)
12 THE COURT: 143, Ms. Melendez.
13 PROSPECTIVE JUROR: I'm a single parent, I have
14 three kids. Youngest are 10, 11, and my oldest goes to Penn
15 State so she's not around. Just to give you a scenario, I had
16 to pick up my mom last night on Staten Island to drive here
17 this morning. It was two hours this morning.
18 THE COURT: I'll excuse you in a moment. Wait in
19 your chair.
20 PROSPECTIVE JUROR: Thank you.
21 (Prospective juror leaves the sidebar.)
22 (Prospective juror approaches sidebar.)
23 THE COURT: Number 60, Mr. Loffredo.
24 PROSPECTIVE JUROR: I am a real estate broker. The
25 five weeks would be a hardship for me and to my homeowners

1 depending on me to get the houses sold. I do foreclosures and
2 short sales. But the bank's will be closed by the time I got
3 done here.
4 THE COURT: I'll excuse you in a moment. Stay in
5 your chair for now.
6 PROSPECTIVE JUROR: Yes.
7 (Prospective juror leaves the sidebar.)
8 (Prospective juror approaches sidebar.)
9 THE COURT: Number 147.
10 PROSPECTIVE JUROR: Hello.
11 THE COURT: Hello, Ms. Saltys.
12 PROSPECTIVE JUROR: I am the head secretary for the
13 principal of an elementary school. This is our busiest time
14 of the year. I'd rather not. My principal will be very
15 upset.
16 THE COURT: They have to let you serve, you know
17 that.
18 PROSPECTIVE JUROR: Yes, yes.
19 THE COURT: You can't get a fill-in, or no?
20 PROSPECTIVE JUROR: We have substitutes, not always.
21 Bit if I get a sub, I get a sub. If I don't, I don't.
22 THE COURT: Well...
23 PROSPECTIVE JUROR: I mean, you know, whatever you
24 say.
25 THE COURT: I could call them and tell them.

1 PROSPECTIVE JUROR: You don't have to. You don't
2 have to.
3 THE COURT: You can tell them you made me aware of
4 it, how's that?
5 PROSPECTIVE JUROR: That sounds great.
6 THE COURT: Okay. Thank you.
7 (Prospective juror leaves the sidebar.)
8 (Prospective juror approaches sidebar.)
9 THE COURT: Number 152, Ms. Covelli.
10 PROSPECTIVE JUROR: I don't know if you head of the
11 case, the W. Sims with Joseph Simonelli (phonetic). They were
12 taking money from his family. He did business with my
13 company. When they discovered he did this, they named
14 everybody in the lawsuit, plus a federal investigation. He
15 has since killed himself. This case is still pending.
16 Unfortunately, I have involvement that I have to prove
17 otherwise in court. So I have legal problems of my own right
18 now.
19 THE COURT: I will excuse you. Wait in the chair
20 right now.
21 PROSPECTIVE JUROR: Sure.
22 (Prospective juror leaves the sidebar.)
23 (Prospective juror approaches sidebar.)
24 THE COURT: 158, Mr. Mitzman.
25 PROSPECTIVE JUROR: I'm supposed to be travelling to

1 a conference in Nashville on the 27th.
2 THE COURT: I will excuse you in a moment. Stay in
3 your seat for now.
4 PROSPECTIVE JUROR: Okay.
5 (Prospective juror leaves the sidebar.)
6 (Prospective juror approaches sidebar.)
7 THE COURT: Number 157, Ms. Veltre.
8 PROSPECTIVE JUROR: My two sons are graduating
9 college. They want to go to Disney May 23rd to the 26th.
10 THE COURT: They would be really mad at you.
11 PROSPECTIVE JUROR: They would, yeah.
12 THE COURT: I will excuse you in a minute. Wait in
13 the chair.
14 PROSPECTIVE JUROR: Okay. Thank you.
15 (Prospective juror leaves the sidebar.)
16 (Prospective juror approaches sidebar.)
17 THE COURT: Number 166. One second.
18 Ms. Saddler.
19 PROSPECTIVE JUROR: I have a very personal issue. I
20 have been a victim of a police brutality about two years ago.
21 Just being here I'm getting a lot of nerves and anxiety. I
22 recently settled my case.
23 THE COURT: That's fine. I can tell your nervous.
24 I'm excusing you to go back downstairs.
25 PROSPECTIVE JUROR: Yes.

1 (Prospective juror leaves the sidebar.)
2 (Prospective juror approaches sidebar.)
3 THE COURT: Number 109, Mr. Mitchell.
4 PROSPECTIVE JUROR: My daughter is in day care. I'm
5 the only one to pick her up at 5:00. I can't leave her, and I
6 have personal problems.
7 THE COURT: I will excuse you in a moment. Stay in
8 your chair.
9 (Prospective juror leaves the sidebar.)
10 (Matter continued on the next page.)
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1 (Prospective juror approaches sidebar.)
2 THE COURT: Number 74, Ms. Simmons.
3 PROSPECTIVE JUROR: I'm a general contractor so
4 I'm in construction, so I can't miss five weeks of work;
5 probably lose my job.
6 THE COURT: I will excuse you in a minute. Stay
7 in your chair for now.
8 (Prospective juror leaves sidebar.)
9 (Prospective juror approaches sidebar.)
10 THE COURT: Number 46, Mr. Liebman.
11 PROSPECTIVE JUROR: I have flights for vacation
12 booked for the end of May which conflicts.
13 THE COURT: I will excuse you in a minute. Stay
14 in your chair for now.
15 (Prospective juror leaves sidebar.)
16 (Prospective juror approaches sidebar.)
17 THE COURT: Number 168, Mr. Bachhuber.
18 PROSPECTIVE JUROR: My wife stays at home to
19 watch our son with severe autism. She has a court date on
20 May 19th. I have nobody else to watch him.
21 THE COURT: I will excuse you in a minute. Stay
22 in your chair for now.
23 (Prospective juror leaves sidebar.)
24 (Prospective juror approaches sidebar.)
25 THE COURT: Number 151, Ms. Iaboni.

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1 PROSPECTIVE JUROR: My challenge is mostly the
 2 end of the trial. I don't get vacation or sick time or
 3 any time to take off paid. That's one problem. The other
 4 problem is I teach preschoolers and I'm a dance teacher.
 5 We are coming to the end of our season. If I was not
 6 there for the rest of our year --
 7 THE COURT: I will excuse you. Stay in your
 8 chair for now.
 9 (Prospective juror leaves sidebar.)
 10 (Prospective juror approaches sidebar.)
 11 THE COURT: Number 163, Mr. Salem.
 12 PROSPECTIVE JUROR: Currently with the amount we
 13 are being paid as a juror, my debt load and expenses, I
 14 won't be able to make five weeks.
 15 THE COURT: I will excuse you in a minute. Stay
 16 in your chair for now.
 17 (Prospective juror leaves sidebar.)
 18 (Prospective juror approaches sidebar.)
 19 THE COURT: Number 137, Mr. Simmons.
 20 PROSPECTIVE JUROR: I'm a licensed master rigger
 21 with the City of New York. I have to be on the job on a
 22 daily basis, making crane lifts and dirt lifts in the
 23 City. I own my own company with 20 employees.
 24 THE COURT: I will excuse you.
 25 PROSPECTIVE JUROR: No way I can do the five

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1 weeks.
 2 THE COURT: I will excuse you. Stay in your
 3 chair for now.
 4 PROSPECTIVE JUROR: Thank you.
 5 (Prospective juror leaves sidebar.)
 6 (Prospective juror approaches sidebar.)
 7 THE COURT: Number 154, Mr. Brosnan.
 8 PROSPECTIVE JUROR: I got health issues lately.
 9 I have been to the doctor two weeks ago. I have a
 10 procedure on May 12th.
 11 THE COURT: I will excuse you in a minute. Stay
 12 in your chair for now.
 13 (Prospective juror leaves sidebar.)
 14 (Prospective juror approaches sidebar.)
 15 THE COURT: Number 156, Mr. Shaw.
 16 PROSPECTIVE JUROR: I have two things. I have
 17 to get my daughter back from college next Wednesday; only
 18 day I can do it. I'm part of a two-person start-up
 19 company and --
 20 THE COURT: I will excuse you in a minute. Stay
 21 in your chair for now.
 22 (Prospective juror leaves sidebar.)
 23 (Prospective juror approaches sidebar.)
 24 THE COURT: Number 142, Mr. Persico.
 25 PROSPECTIVE JUROR: My only concern with the

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1 third week is my son is graduating from college. I have
 2 to be there for his graduation, University of Buffalo, May
 3 18th. It's a Monday.
 4 THE COURT: That wouldn't work. I will excuse
 5 you. Stay in your chair for a minute.
 6 (Prospective juror leaves sidebar.)
 7 (Prospective juror approaches sidebar.)
 8 THE COURT: Number 149, Mr. Chavez-Torres.
 9 PROSPECTIVE JUROR: I'm going to travel to
 10 Ecuador, May 10th, for one week.
 11 THE COURT: I will excuse you. Stay in your
 12 chair for now.
 13 PROSPECTIVE JUROR: Thank you.
 14 (Prospective juror leaves sidebar.)
 15 (Prospective juror approaches sidebar.)
 16 THE COURT: 155, Mr. Cadmus.
 17 PROSPECTIVE JUROR: I'm presenting in training
 18 for a promotion, one of seven operating general
 19 supervisors. We manage all the emergency response work
 20 for Con Ed done in Brooklyn and Queens. Training period
 21 ends June 1st, a position that involves a lot of hub
 22 safety. I don't want to miss.
 23 THE COURT: I will excuse you. Stay in your
 24 chair for a minute.
 25 (Prospective juror leaves sidebar.)

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1 (Prospective juror approaches sidebar.)
 2 THE COURT: 140, Mr. Turro.
 3 PROSPECTIVE JUROR: I work with a small fire
 4 suppression company. I have clients running upstate right
 5 now last, like three or four months. I'm looking to get
 6 something smaller, like five to eight weeks, something
 7 less, if I can pick.
 8 THE COURT: I will excuse you. Stay in your
 9 chair for now.
 10 (Prospective juror leaves sidebar.)
 11 (Prospective juror approaches sidebar.)
 12 THE COURT: 171, Ms. Neydriker.
 13 PROSPECTIVE JUROR: Two issues. I come here
 14 from Sheepshead Bay. Takes two and a half hours to get
 15 here. I don't have a car.
 16 THE COURT: I don't need to hear the second
 17 issue. I will excuse you. Stay in your chair for a
 18 moment.
 19 (Prospective juror leaves sidebar.)
 20 (Prospective juror approaches sidebar.)
 21 THE COURT: 173.
 22 PROSPECTIVE JUROR: Dennis White.
 23 THE COURT: Go ahead.
 24 PROSPECTIVE JUROR: I have been recently
 25 accepted as a New York City teaching fellow. My program

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1 starts June 1st, mandatory ten-week intensive program, 12
 2 hours a day.
 3 THE COURT: I will excuse you. Stay in your
 4 chair for a minute.
 5 PROSPECTIVE JUROR: Thank you so much.
 6 (Prospective juror leaves sidebar.)
 7 (Prospective juror approaches sidebar.)
 8 THE COURT: 167, Mr. Carter.
 9 PROSPECTIVE JUROR: My job doesn't pay me to
 10 serve on jury duty, so five weeks is unreasonable. I have
 11 a mortgage.
 12 THE COURT: I will excuse you in a minute. Stay
 13 in your chair for now.
 14 (Prospective juror leaves sidebar.)
 15 (Prospective juror approaches sidebar.)
 16 THE COURT: 177, Mr. Appanna.
 17 PROSPECTIVE JUROR: I'm on probation. I started
 18 a new job. I cannot take five weeks off.
 19 THE COURT: What type of job?
 20 PROSPECTIVE JUROR: Automotive repair.
 21 THE COURT: I will excuse you in a minute. Stay
 22 in your chair for now.
 23 (Prospective juror leaves sidebar.)
 24 (Prospective juror approaches sidebar.)
 25 THE COURT: 165, Gary Saddler.

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1 PROSPECTIVE JUROR: Travel hardship, due to
 2 distance to Brooklyn. Plus, within the five-week period
 3 -- if it was one week, I can understand, would take the
 4 chance. Five-week period, since my mother is disabled,
 5 any issues that happen with her, I'm the only one she can
 6 call up.
 7 THE COURT: I will excuse you in a minute. Stay
 8 in your chair for now.
 9 (Prospective juror leaves sidebar.)
 10 (Prospective juror approaches sidebar.)
 11 THE COURT: Number 170, Ms. Marchese.
 12 PROSPECTIVE JUROR: I'm the only provider in my
 13 household. I'm a widow. I have my elderly mother and
 14 daughter at home. Five weeks. My company won't pay for
 15 the whole thing. I don't have enough vacation time.
 16 THE COURT: I will excuse you in a minute. Stay
 17 in your chair for now.
 18 (Prospective juror leaves sidebar.)
 19 (Prospective juror approaches sidebar.)
 20 THE COURT: 175, Ms. Perotti.
 21 PROSPECTIVE JUROR: I just got a new position at
 22 work, first full day Thursday. I know they cannot give me
 23 the position over jury duty. I work with autistic kids.
 24 I have a bunch of re-cert classes next week. On top of
 25 that, I have baby showers, wedding and bachelorette party

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1 and wedding. I have overtime, too, I will not get.
 2 THE COURT: I will excuse you in a minute. Stay
 3 in your chair for now.
 4 (Prospective juror leaves sidebar.)
 5 (Prospective juror approaches sidebar.)
 6 THE COURT: 172, Mr. Heaton.
 7 PROSPECTIVE JUROR: On May 28th, I'm scheduled
 8 to participate with a family wedding.
 9 THE COURT: What day of the week?
 10 PROSPECTIVE JUROR: That's actually a Thursday.
 11 Planned for years. I didn't want to miss it. Other than
 12 that, I didn't think --
 13 THE COURT: I will excuse you. I don't want to
 14 you miss that day. Wait in your chair for now.
 15 (Prospective juror leaves sidebar.)
 16 (Prospective juror approaches sidebar.)
 17 THE COURT: 148, Ms. Fredericks.
 18 PROSPECTIVE JUROR: Good afternoon. I have two
 19 reasons I don't feel like I'm fit for this case. The
 20 first one is that I'm a guidance counselor. I return to
 21 school once summer begins and school is out. Right now
 22 I'm working with seniors. I feel I'm jeopardizing the
 23 future of my students helping make sure they know what to
 24 provide to colleges and for students who haven't had
 25 secondary plans. I'm jeopardizing the 250 students I

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1 have.
 2 THE COURT: Okay. It's fine. I will excuse
 3 you. Stay in your chair for now.
 4 PROSPECTIVE JUROR: Thank you so much.
 5 (Prospective juror leaves sidebar.)
 6 (Prospective juror approaches sidebar.)
 7 THE COURT: 129, Ms. Abatemarco.
 8 PROSPECTIVE JUROR: That would be me. I thought
 9 I would be fine, but I sat on the Garafalo trial and
 10 there were threats against the jurors' lives. They had to
 11 detain us after the guilty verdicts. The families were
 12 after us. I really looked over my shoulder. I still
 13 check to see if he is in; he still is. I just get this
 14 whole -- it's not a good feeling. I'm not sure -- that's
 15 my question.
 16 THE COURT: Given that experience, I don't think
 17 it's a good case for you. I will excuse you in a minute.
 18 Wait in the chair.
 19 (Prospective juror leaves sidebar.)
 20 (Prospective juror approaches sidebar.)
 21 THE COURT: 195, Ms. Bruno.
 22 PROSPECTIVE JUROR: I don't know if this is
 23 hardship, I started a new job. I'm still on two months'
 24 probation. I don't know if they are going to let me
 25 leave.

1 THE COURT: Where do you work?
2 PROSPECTIVE JUROR: It's a county job. It's
3 two-month probation. I didn't make it to full-time yet.
4 THE COURT: I will excuse you. Stay in your
5 chair for now.
6 PROSPECTIVE JUROR: Thank you.
7 (Prospective juror leaves sidebar.)
8 (Prospective juror approaches sidebar.)
9 THE COURT: 192, Ms. Coughlan.
10 PROSPECTIVE JUROR: My job only covers me for
11 two weeks for jury duty, so to be out for -- I'm the only
12 person in my household. I wouldn't cover my mortgage and
13 bills.
14 THE COURT: I will excuse you. Stay in your
15 chair for now.
16 (Prospective juror leaves sidebar.)
17 (Prospective juror approaches sidebar.)
18 THE COURT: 138. Give me one second. Mr. Leo.
19 PROSPECTIVE JUROR: I'm responsible for two
20 businesses and I was hoping to serve for a week or two. I
21 didn't realize it would be a five-week case. The other
22 issue is my wife's family was wiped out by Madoff.
23 THE COURT: I will excuse you. Stay in your
24 chair for now.
25 (Prospective juror leaves sidebar.)

1 (Prospective juror approaches sidebar.)
2 THE COURT: 191, Mr. Meisenzahl.
3 PROSPECTIVE JUROR: Almost three years, I lost
4 my daughter-in-law to pancreatic cancer. We try to help
5 my son out, trying to take care of the kids, get them on
6 the bus, whatever. He is an EMT, going for paramedic,
7 which is requiring him to put in his schooling and
8 whatever, so he is going to school. He is going into
9 Brooklyn, Manhattan, Queens, doing all his rotations for
10 his schooling, and he is really not home. Plus he has his
11 job.
12 THE COURT: You are taking care of his kids?
13 PROSPECTIVE JUROR: Basically, yes.
14 THE COURT: I will excuse you in a minute. Stay
15 in your chair for now.
16 PROSPECTIVE JUROR: Thank you very much.
17 THE COURT: You are welcome.
18 (Prospective juror leaves sidebar.)
19 (Prospective juror approaches sidebar.)
20 THE COURT: 180, Ms. Mielenhausen.
21 PROSPECTIVE JUROR: I have an elderly mother who
22 I'm responsible for taking to all her medical
23 appointments, and due to the duration of the trial, I feel
24 that that could be a hardship.
25 THE COURT: Does she have anything scheduled

1 over the next five weeks?
2 PROSPECTIVE JUROR: I take her every once or
3 twice a week.
4 THE COURT: I will excuse you. Stay in your
5 chair for now.
6 (Prospective juror leaves sidebar.)
7 (Prospective juror approaches sidebar.)
8 THE COURT: Number 189, Mr. Sher.
9 PROSPECTIVE JUROR: Between May 19th and the end
10 of Memorial Day, I will be -- need to be primary care for
11 my mother-in-law in Buffalo. My brother-in-law and
12 sister-in-law are leaving.
13 THE COURT: I will excuse you. Stay in your
14 seat for now.
15 (Prospective juror leaves sidebar.)
16 (Prospective juror approaches sidebar.)
17 THE COURT: Number 181, Ms. Lewis-Davis.
18 PROSPECTIVE JUROR: Considering I travel from
19 Queens, I have to rely on the railroad and two buses to
20 get here. I wouldn't be able to cover my expenses for the
21 five weeks to get here.
22 THE COURT: You would get reimbursed for the
23 travel.
24 PROSPECTIVE JUROR: Putting out the funds up
25 front to get here, I wouldn't be able to do that. I'm a

1 single mother, one income in the house.
2 THE COURT: I will excuse you in a minute. Stay
3 in your chair for now.
4 (Prospective juror leaves sidebar.)
5 (Prospective juror approaches sidebar.)
6 THE COURT: 187, Mr. Rogers.
7 PROSPECTIVE JUROR: I'm on call 24/7 for a
8 hospital for patient care. I have to have my beeper on me
9 all times, and I am the only one in charge of the system.
10 THE COURT: I will excuse you. Stay in your
11 seat for now.
12 (Prospective juror leaves sidebar.)
13 (Prospective juror approaches sidebar.)
14 THE COURT: 184, Ms. Gusman.
15 PROSPECTIVE JUROR: How are you? Not happy to
16 say I have breast cancer, about a year and a half ago, on
17 my sixth round of testing. Monday I have a colonoscopy I
18 have been scheduled for.
19 THE COURT: You don't have to tell me anymore.
20 I'm going to excuse you. Stay in your chair for a minute.
21 (Prospective juror leaves sidebar.)
22 (Prospective juror approaches sidebar.)
23 THE COURT: Number 185, Mr. Glassman.
24 PROSPECTIVE JUROR: I have served before and I
25 would be honored to do so again. I have a family vacation

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1 the end of the month that we have been planning for a
 2 year. 30th anniversary, May 22nd.
 3 THE COURT: I will excuse you in a minute. Stay
 4 in your seat for now.
 5 (Prospective juror leaves sidebar.)
 6 (Prospective juror approaches sidebar.)
 7 THE COURT: 198, Ms. Mezzatesta.
 8 PROSPECTIVE JUROR: I have an immediate family
 9 member diagnosed with advanced cancer last week. I'm
 10 managing their care.
 11 THE COURT: I will excuse you in a minute. Stay
 12 in your chair for now. Good luck.
 13 (Prospective juror leaves sidebar.)
 14 (Prospective juror approaches sidebar.)
 15 THE COURT: 194, Mr. Marro.
 16 PROSPECTIVE JUROR: I have two things. I have a
 17 project at work that is due mid June. I can't possibly
 18 spend five weeks here. And I have one car at home. My
 19 wife shuttles my three kids back and forth.
 20 THE COURT: I will excuse you in a minute.
 21 (Prospective juror leaves sidebar.)
 22 (Prospective juror approaches sidebar.)
 23 THE COURT: Number 196, Mr. Siclare.
 24 PROSPECTIVE JUROR: I have tickets to fly out to
 25 Europe on the 26th.

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1 THE COURT: I will excuse you in a minute. Stay
 2 in your seat for now.
 3 (Prospective juror leaves sidebar.)
 4 (Prospective juror approaches sidebar.)
 5 THE COURT: 200, Mrs. Forbell.
 6 PROSPECTIVE JUROR: My husband has cancer
 7 surgery on the 17th of the month. I was hoping I could
 8 not miss that.
 9 THE COURT: You shouldn't miss that. I will
 10 excuse you in a minute. Wait in your chair. Good luck.
 11 (Prospective juror leaves sidebar.)
 12 (Prospective juror approaches sidebar.)
 13 THE COURT: Number 181.
 14 Last name?
 15 THE WITNESS: Louis. They might --
 16 THE COURT: It's 128, Saddler.
 17 PROSPECTIVE JUROR: Two-thirds of my income is
 18 commission based, so when I'm not at work, it has a huge
 19 financial factor.
 20 THE COURT: I will excuse you. Stay in your
 21 seat for now.
 22 (Prospective juror leaves sidebar.)
 23 (Prospective juror approaches sidebar.)
 24 THE COURT: 197, Mr. Yu.
 25 PROSPECTIVE JUROR: Sometimes not really

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1 understanding the whole --
 2 THE COURT: English?
 3 THE WITNESS: Something like that. Some of them
 4 mostly I understand. Sometimes pass over, not really.
 5 And I'm too far, too, 60 miles away. I have to take care
 6 of my house and kids.
 7 THE COURT: I will excuse you in a minute. Stay
 8 in your chair for now.
 9 PROSPECTIVE JUROR: Only one working in the
 10 house.
 11 THE COURT: Wait in your seat for now.
 12 (Prospective juror leaves sidebar.)
 13 (Prospective juror approaches sidebar.)
 14 THE COURT: Austin, Jr., 201.
 15 PROSPECTIVE JUROR: I'm in the middle of
 16 watching something very important at a construction site.
 17 That, plus my attention, I can't take the chance, because
 18 they're doing something with natural gas.
 19 THE COURT: I will excuse you in a second. Stay
 20 in your seat for now.
 21 (Prospective juror leaves sidebar.)
 22 (Prospective juror approaches sidebar.)
 23 THE COURT: Number 66, Ms. Kaur.
 24 PROSPECTIVE JUROR: Me and my husband have a kid
 25 in school. 3:00, nobody home.

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1 THE COURT: I will excuse you in a minute. Stay
 2 in your seat for now.
 3 (Prospective juror leaves sidebar.)
 4 (Prospective juror approaches sidebar.)
 5 THE COURT: Diana Polvere, 19.
 6 PROSPECTIVE JUROR: I run a department at work,
 7 so five weeks is a long time. I could serve -- I didn't
 8 know if there was another option for a case shorter.
 9 THE COURT: I will excuse you in a minute. Stay
 10 in your chair for now.
 11 (Prospective juror leaves sidebar.)
 12 (Prospective juror approaches sidebar.)
 13 THE COURT: 23, Mr. Wu.
 14 PROSPECTIVE JUROR: I have a two-hour commute
 15 each way. I started a new job as a project manager.
 16 THE COURT: I will excuse you in a minute. Stay
 17 in your seat for now.
 18 (Prospective juror leaves sidebar.)
 19 (Prospective juror approaches sidebar.)
 20 THE COURT: 118, Mr. Elvezio.
 21 PROSPECTIVE JUROR: So I have a business trip
 22 coming up as, well as family vacation.
 23 THE COURT: When is that?
 24 PROSPECTIVE JUROR: At the -- one is the end of
 25 May. That's the family trip. And the week after that is

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1 my business trip.
 2 THE COURT: I will excuse you in a minute. Stay
 3 in your chair for now.
 4 PROSPECTIVE JUROR: Thank you, sir.
 5 (Prospective juror leaves sidebar.)
 6 THE COURT: Give me one second.
 7 (Pause)
 8 THE COURT: I think we have 90 jurors left. I
 9 think we are in good shape. I will excuse those jurors,
 10 tell them to come back at 1:30.
 11 (In open court.)
 12 THE COURT: I appreciate everyone's patience.
 13 If I call your name, your last name, you are excused from
 14 service in this case and need to go back down to the
 15 central jury room for further instructions:
 16 Ms. Lewis. Rodriguez. Lipset. Dottin.
 17 Arundale. Zwalsky. Klenja. Polvere. Hill. Taylor.
 18 Vitarelli. Wu. Kornobis. Deluca. Lyons. Deedy.
 19 Feeney. Rosenfeld. Agnello. Chang. Sands. Joseph,
 20 that's Kerline Joseph. Hultberg. Liebman. Santoro.
 21 Boorum. Vlantis. Newman. Loffredo. Ostroski.
 22 Esposito. Kolasinski. Kaur. Talik. Tomala. Merhige.
 23 Scott. Augustin. Simmons. Rostron. Polidori. Kashkin.
 24 Capobianco. Suss. Huerta, last name Mazurkiewicz.
 25 Hakim. Bruno. Abrahante. Marrano. Hessel Roher.

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1 Sheinman. Lynch. Gunsel. Rozakis. Schroder. Mitchell.
 2 Seehof. Sohre, S-O-H-R-E. Elvezio. Campos. Kaiser.
 3 Beyersdorf. Abatemarco. Mr. Pak, P-A-K. Cicchillo.
 4 Simmons. Mr. Leo. Turro. Montero. Persico. Melendez.
 5 Fredericks. Chavez-Torres. Iaboni. Covelli. Brosnan.
 6 Cadmus. Shaw. Veltre. Mitzman. Salem. Saddler. Guzi.
 7 Carter. Bachhuber. Marchese. Neydriker. Heaton.
 8 Whyte. Perotti. Appanna. Mielenhausen. Ms.
 9 Lewis-Davis. Mr. Louis. Gusman. Glassman. Rogers. Mr.
 10 Sher, S-H-E-R. Meisenzahl. Coughlan. Marro. Bruno.
 11 Siclare. Mr. Yu, Y-U. Mezzatesta. Forbell. Mr. Austin
 12 Jr.
 13 MR. LaRUSSO: Before we conclude this part, may
 14 we have a brief sidebar?
 15 THE COURT: Yes.
 16 (Sidebar.)
 17 MR. LaRUSSO: I have 29, and I may have missed
 18 something, but did we do 67 and 69?
 19 THE COURT: I think I called their names.
 20 MR. LaRUSSO: I missed it.
 21 THE CLERK: 58.
 22 THE COURT: Blatchley.
 23 MR. LaRUSSO: That's open.
 24 THE COURT: Just 29.
 25 (Sidebar concluded.)

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1 (In open court.)
 2 THE COURT: Perlmutter is excused.
 3 Okay. Anyone else who I said I would excuse at
 4 sidebar and didn't call your name? Anyone else?
 5 Did you speak to me?
 6 PROSPECTIVE JUROR: Dottin.
 7 THE COURT: You are excused.
 8 For the rest of you here?
 9 PROSPECTIVE JUROR: Campos.
 10 THE COURT: Did you speak to me already?
 11 PROSPECTIVE JUROR: Yes.
 12 THE COURT: Do you remember what your number
 13 was?
 14 PROSPECTIVE JUROR: No, I don't remember.
 15 THE COURT: You are excused.
 16 MR. HALEY: Your Honor --
 17 PROSPECTIVE JUROR: Your Honor, my number was
 18 number 172. Was that just for that specific day?
 19 THE COURT: Mr. Heaton, you are excused.
 20 So, for everyone else, I appreciate your
 21 patience and willingness to serve. We will continue with
 22 the selection process right after lunch. We will take the
 23 lunch break until 1:45.
 24 There is a cafeteria downstairs on the first
 25 floor, if you would like to use the cafeteria.

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1 Unfortunately, there is not really anything in walking
 2 distance, other than the cafeteria.
 3 Make sure you are back at 1:45.
 4 At 1:45, you are going to go back down to the
 5 first floor, to the Central Jury Room, and then they are
 6 going to bring you up here when we are ready. At 1:45, be
 7 back downstairs where you started in the Central Jury
 8 Room.
 9 I need to give you a few instructions before I
 10 send you off to lunch. First instruction -- these are
 11 very important instructions. Please listen to them.
 12 The first instruction, you are not permitted to
 13 discuss this case with anyone. You are a potential juror
 14 in this case. You are not permitted to discuss the case.
 15 If you call back to work or call home and they start
 16 asking you what is the case about, tell them the judge
 17 instructed me not to discuss the case. Don't discuss the
 18 case with each other or anyone else.
 19 The second thing, you are not allowed to do any,
 20 I will tell you this if you sit in the jury on this case,
 21 but I will tell you, advise you now, as a potential juror,
 22 you are not allowed to do any outside research about the
 23 case whatsoever on the internet or anything else like
 24 that. That would be a violation of your oath as a
 25 potential juror for you to do that. A juror is only

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1 allowed to base their information on the evidence in the
 2 courtroom, so you cannot do any outside research about
 3 this case whatsoever.
 4 The final thing is that the lawyers and the
 5 parties are not permitted to have any discussions with
 6 you, or even to say hello or anything like that. If you
 7 see the lawyers or the parties or witnesses or anybody in
 8 the court house, they are going to walk away from you,
 9 turn away, because my instruction to them is they are not
 10 allowed to say anything to you or even acknowledge your
 11 existence. They are not being rude. They are following
 12 my instruction. You should do the same with those
 13 instructions.
 14 Please report back down to the first floor at
 15 1:45. Have a good lunch.
 16 (Prospective jurors leave the courtroom.)
 17 THE COURT: Are you a potential juror?
 18 PROSPECTIVE JUROR: I just recognized a personal
 19 friend on the defense.
 20 THE COURT: You have a personal friend on the
 21 defense team?
 22 MR. HALEY: Yes, your Honor; yours truly.
 23 THE COURT: You are excused from service in this
 24 case.
 25 That's Kenneth, number 70 is excused.

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1 Any other jurors in the audience?
 2 PROSPECTIVE JUROR: Sir, I didn't --
 3 THE COURT: Tell me your name.
 4 PROSPECTIVE JUROR: Nayman, N-A-Y-M-A-N, Judy,
 5 in the last third.
 6 THE COURT: Number 113.
 7 What's the issue.
 8 PROSPECTIVE JUROR: I didn't consider it as
 9 extraordinary. You emphasized extraordinary.
 10 THE COURT: The lawyers can approach.
 11 PROSPECTIVE JUROR: I baby-sit for a special
 12 needs grandchild after school. If I don't leave here,
 13 even specifically today, by 3:00, it's going to be an
 14 issue.
 15 THE COURT: I will excuse you. Go back down to
 16 the first floor.
 17 PROSPECTIVE JUROR: Thank you very much.
 18 THE COURT: Number 113.
 19 I want to start at 1:45 sharp. I think we can
 20 get this done today if we are efficient this afternoon.
 21 I will see you at 1:45.
 22 Thank you.
 23 (Luncheon recess taken at this point.)
 24 (Continued on the next page.)
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1 A F T E R N O O N S E S S I O N
 2 THE COURT: Are we ready to bring up the panel?
 3 MR. HALEY: Yes, sir, thank you.
 4 Judge, while we're waiting for the jury, it's
 5 the Court's intention to read off the prospective
 6 witnesses?
 7 THE COURT: Yes. You have additional names.
 8 MR. HALEY: Judge, there is some overlap and if
 9 I might your Honor, just mention seven names.
 10 THE COURT: Why don't you come up to sidebar.
 11 (Continued on next page.)
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1 (Whereupon, the following occurred at sidebar.)
 2 MR. HALEY: Your Honor, if I may this may only
 3 take a moment. There may be some overlap. Prospective
 4 Kenner witnesses will be Vincent Tesoiero,
 5 T-E-S-O-I-E-R-O. Michael Stolper, he's an
 6 attorney S-T-O-L-P-E-R, Jason Wooley, W-O-O-L-E-Y.
 7 Mattias M-A-T-I-A-S Frostrom, F-R-O-S-T-R-O-M. William
 8 Metlin, Greg DeVries D- small e V-R-I-E-S. Rem Murray.
 9 THE COURT: Mr. La Russo, do you have names,
 10 too.
 11 MR. LA RUSSO: Yes. When he came out I had my
 12 client write down the witnesses we talked about the last
 13 week or so. He's doing it and we'll have in about two
 14 minutes. I want.
 15 THE COURT: Okay.
 16 MR. LA RUSSO: Sample.
 17 THE COURT: That's fine, I'm going to mark this
 18 as a court exhibit so I'll use the second reading.
 19 MR. LA RUSSO: D'Ambrosio, Dorchester, Gonchar,
 20 Rozenboom, Larsen, Bailey, Devine and Barkedull, Raymond
 21 Murray, Jason Murray.
 22 THE COURT: Okay. Thanks.
 23 (Continued on next page.)
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1 (Whereupon, the following occurred in open
2 court.)
3 THE CLERK: Mr. McCooey.
4 THE COURT: The lawyers come up to the sidebar.
5 (Continued on next page.)
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1 (Whereupon, the following occurred at sidebar.)
2 (Prospective juror approaches sidebar.)
3 THE COURT: Tell me your last name.
4 A PROSPECTIVE JUROR: McCooey.
5 THE CLERK: 116.
6 THE COURT: Okay.
7 A PROSPECTIVE JUROR: It's my son's confirmation
8 next week and I really can't miss that.
9 THE COURT: What day of the week is that?
10 A PROSPECTIVE JUROR: Tuesday.
11 THE COURT: Okay. I'll excuse you. Go back to
12 one.
13 A PROSPECTIVE JUROR: I appreciate it.
14 (Juror excused.)
15 THE COURT: Okay, ladies and gentlemen, I want
16 to thank you again for your patience and we are now going
17 to ask you some additional questions. If you have a yes
18 answer to any of my questions just raise your hand and if
19 necessarily we'll come up and we'll discuss it at sidebar.
20 Next question is, do any of you have any
21 difficulty with your sight or your hearing that could
22 affect your perception of the proceeding? Anyone have any
23 difficulty with sight or hearing that could affect their
24 perception of the proceeding? Why don't we take those at
25 sidebar.

1 (Whereupon, the following occurred at sidebar.)
2 THE CLERK: 96.
3 (Prospective juror approaches sidebar.)
4 THE COURT: Mr. Culfan, what's the problem?
5 A PROSPECTIVE JUROR: In this particular
6 courtroom I'm having difficulty hearing so I mean that was
7 the question, if it's visual or hearing. And downstairs I
8 had no problem hearing. But in this particular courtroom,
9 I don't know if it's because of the air conditioning or
10 the volume is down a little low on the microphone, I'm not
11 sure.
12 THE COURT: If I speak up do you think that
13 you'll be able to be okay?
14 A PROSPECTIVE JUROR: I think so. I do want to
15 make you aware of it. This morning I noticed I was
16 cringing and trying to hear you, I was having difficulty.
17 I just recently -- I wasn't aware of it, but I've recently
18 been diagnosed with a little bit of a hearing problem.
19 THE COURT: Were you able to hear the summary of
20 the case this morning?
21 A PROSPECTIVE JUROR: Yes.
22 THE COURT: I'll keep my voice up. If you are
23 having any trouble hearing at any point, just raise your
24 hand.
25 A PROSPECTIVE JUROR: Okay, I'll raise my hand.

1 (Prospective juror leaves the sidebar.)
2 (Prospective juror approaches sidebar.)
3 THE COURT: Hi, number 54. What's the issue?
4 A PROSPECTIVE JUROR: I have some hearing loss
5 in my left ear, about 30 percent, so it is difficult for
6 me to hear.
7 THE COURT: Were you able to hear me so far?
8 A PROSPECTIVE JUROR: Yes.
9 THE COURT: I'm going to use the mike upstairs,
10 you should be fine.
11 A PROSPECTIVE JUROR: If you speak a little bit
12 louder.
13 THE COURT: I will.
14 (Prospective juror leaves the sidebar.)
15 (Prospective juror approaches sidebar.)
16 THE COURT: Can I have your number?
17 A PROSPECTIVE JUROR: John Gildein.
18 THE COURT: 83. Mr. Gildein?
19 A PROSPECTIVE JUROR: Yes. I have severe
20 tinnitus and I have trouble understanding what you're
21 saying if I'm in the back in the courtroom. If I'm in the
22 front I'm all right.
23 THE COURT: You can sit closer. Were you able
24 to hear my summary of the case?
25 A PROSPECTIVE JUROR: Bits and pieces, not whole

1 thing. I have --

2 THE COURT: I'm going to excuse you then if you
3 didn't hear the summary.

4 A PROSPECTIVE JUROR: That's okay. I'd like to
5 serve, but thank you, sir. That's good.

6 THE COURT: Just go down.

7 (Prospective juror leaves the sidebar.)

8 (Prospective juror approaches sidebar.)

9 THE COURT: Number 2, Ms. Douglas?

10 A PROSPECTIVE JUROR: Yes.

11 THE COURT: What's the issue?

12 A PROSPECTIVE JUROR: I don't know that it would
13 interfere with my being able to serve, but I do have a
14 hearing loss, I do wear a hearing aid. I have been
15 straining a little bit to hear you today.

16 THE COURT: I'll keep my voice up, if you can't
17 hear me, let me know. Were you able to hear the summary
18 of the case?

19 A PROSPECTIVE JUROR: So far, just a little bit
20 of a strain to do.

21 THE COURT: All right.

22 (Prospective juror leaves the sidebar.)

23 (Prospective juror approaches sidebar.)

24 THE COURT: Number 39. One second. Koenig.

25 Anything.

1 A PROSPECTIVE JUROR: I had had optic nerve
2 neuritis and my eyesight is currently is corrected to
3 20/40. When I called my husband he told me his job was
4 folding and he said I would have to look for a full-time
5 job because we have two kids going to college.

6 THE COURT: I'll excuse you. Go back to one,
7 okay. Thanks.

8 (Continued on next page.)

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1 (Whereupon, the following occurred in open
2 court.)

3 THE COURT: Next question is do any of you have
4 any difficulty understanding or reading English? Any
5 problem with English language?

6 Next question, do any of you have any religious,
7 moral or ethical beliefs that would prevent you from
8 passing judgment on another person?

9 Next question: Do any of you know anything
10 about the facts of this case or have you heard or read
11 anything about the facts of this case?

12 At this time I want to take the opportunity to
13 introduce the parties to you. Mr. Phillip Kenner and
14 Mr. Tommy Constantine are the defendants in this case.
15 Mr. Kenner, would you please stand and face the audience.
16 Thank you. Mr. Kenner is represented by Mr. Richard Haley
17 of the law firm of Haley Weinblatt and Calcagni LLP.
18 Mr. Haley, can you please stand and face the audience.

19 MR. HALEY: Good afternoon.

20 THE COURT: And Mr. Constantine, would you
21 please stand and face the audience. Thank you.
22 Mr. Constantine is represented by Robert La Russo and
23 Andrew Oliveras of La Russo and Conway LLP. Thank you.

24 Prosecutions in this district are brought on
25 behalf of the United States by the United States Attorney

1 for the Eastern District of New York. In this case the
2 government will be represented by Assistant United States
3 Attorneys Saritha Komatireddy and James Miskiewicz.

4 MR. MISKIEWICZ: Good afternoon.

5 THE COURT: They are being assisted at counsel
6 table by Special Agent from the IRS Joshua Wayne and
7 special agent from the FBI Matthew Galimoto. Do any of you
8 know or have you any personal or business dealings with
9 any of these parties or their counsel? Do any of you know
10 or have any of you have had personal business directly or
11 indirectly with any of the associates, their parties or
12 their attorneys. Why don't you come up, sir.

13 (Continued on next page.)

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1 THE COURT: You can come up what's your name.
 2 A PROSPECTIVE JUROR: Vastian Joseph.
 3 THE COURT: What's the last name?
 4 A PROSPECTIVE JUROR: Joseph.
 5 THE CLERK: Number 40.
 6 THE COURT: Yes. Go ahead.
 7 A PROSPECTIVE JUROR: My cousin is a lawyer, he
 8 knows the case and everything.
 9 THE COURT: Your cousin is a lawyer and he knows
 10 this case?
 11 A PROSPECTIVE JUROR: No. No. He's a lawyer.
 12 THE COURT: Your cousin is a lawyer?
 13 A PROSPECTIVE JUROR: Yes.
 14 THE COURT: Does he have anything to do with
 15 this particular case?
 16 A PROSPECTIVE JUROR: No.
 17 THE COURT: Is there anything about that fact
 18 that your cousin is a lawyer that would affect your
 19 ability to be fair and impartial.
 20 A PROSPECTIVE JUROR: No.
 21 THE COURT: You don't know? What are you
 22 worried about?
 23 A PROSPECTIVE JUROR: I don't worry about
 24 nothing.
 25 THE COURT: Why don't you step back for a moment

1 so I can speak to the lawyers.
 2 (Prospective juror leaves the sidebar.)
 3 MR. LA RUSSO: No problem.
 4 MR. HALEY: No problem, I agree.
 5 (Prospective juror approaches sidebar.)
 6 THE COURT: Mr. Joseph, I'm going to excuse you
 7 go back to one, okay. First floor.
 8 A PROSPECTIVE JUROR: Right now?
 9 THE COURT: Right now.
 10 A PROSPECTIVE JUROR: Thank you.
 11 (Continued on next page.)
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1 (Whereupon, the following occurred in open
 2 court.)
 3 THE COURT: Have any of you, a relative or close
 4 friend, ever been employed by or had any dealings with any
 5 of the parties?
 6 Next question: Is there any member of the panel
 7 who is familiar with any else in the courtroom, including
 8 all court personnel or myself?
 9 The next thing that I'm going to do is I'm going
 10 to read a fairly long list of names to. You, these are
 11 individuals who may and I stress the word may be called to
 12 testify as witnesses at trial or their names may be
 13 mentioned during the course of the trial. So these are
 14 just names that may come up during trial or people who may
 15 testify during the trial. So I'm going to ask you to
 16 listen to the names. I know it's hard when you don't have
 17 a face to associate to the name, but do the best you can
 18 to see if you recognize any of these names or at the end
 19 going to read off some entities to you as well.
 20 Special Agent Christopher Petrellese of the FBI,
 21 Special Agent Robert Crisalli of the FBI, Special Agent
 22 Suzanne Allen of the FBI, Special Agent Robert Meshinsky
 23 of the FBI, Special Agent Jeremy Capello of the FBI, Bryan
 24 Berard, Michael Peca, Kristin Peca, Darryl Sydor, Steven
 25 Rucchin, Owen Nolan, Joe Juneau, Jay McKee, William

1 Ranford, Tyson Nash, Glenn Murray, Sergei Gonchar, Mattias
 2 Norstrom, Greg DeVries, Rem Murray, Ethan Moreau, Dan
 3 Boyle, John Kaiser, Eric Kaiser, Ethyl Kaiser, Nicholas
 4 Privitello, Timothy Gaarn, Ronald Richards, Esq., Jeff
 5 Bailey, Ricardo Banciella, Shimon Betesh, Will Castro,
 6 Mark D'Ambrosio, Lani Donlan, Jeff Dorchester, Eric
 7 Edenhohn, Mia Edrozo, Linda Elliott, Sue Ellen Ferguson,
 8 Robert Gaudet, Chris Giglio, C.R. Gentry, Patrick Gonya,
 9 James Grahame, James Grdina, Kenneth Jowdy, Chris
 10 Manfredi, Aaron Mascarella, Peter Melley, Kristie Myrick,
 11 Brent Nerguzian, Steven Ross, Black Rosser, Richard
 12 Rozenboom, Derek Sanderson, Jackson Stuart, Alan Worden,
 13 Tommy Hormovitis, Vincent Tesoriero, T-E-S-O-R-I-E-R-O,
 14 Michael Stoffer, James Wholley, W-H-O-L-L-E-Y, I said this
 15 name already Matias Frostrom, William Metlin, Greg
 16 DeVries, Rem Murray, Bob Sample, Mark d'Ambrosio, Jeff
 17 Dorchester, I think some of these I've said already, Serge
 18 Gonchar, Rick Rozenboom, Jack Larsen, Jeff Bailey, Greg
 19 DeVries, Mark Barstow, Rem Murray, Jason Wooley, Donny
 20 Ray, Mia Edroso, Craig Johnson.
 21 Now I'm going to read off the name of the
 22 entities or companies Eufora LLC, Constantine Management
 23 Group, Ltd., Urban Expansion LLC, Palms Place, AZ Eufora
 24 Partners, AZ Avalon Partners LLC, AZ Falcon Partners LLC,
 25 Little Isle -- 4 Isle IV LLC, Big Isle IV Ventures LLC,

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1 Big Isle V Ventures, LLC, Big Isle VI Ventures LLC. Kau,
 2 K-A-U Holding Companies LLC, Ula, U-L-A Makika,
 3 M-A-K-I-K-A LLC, the next I'll spell Na'alehu
 4 N-A-'-A-L-E-H-U Ventures LLC. Led Better Development
 5 Company, and then JB AZ Consulting. Windwalker Real
 6 Estate, Neptune Company, and then the last one is an
 7 address, 10705 East Cactus Road, Scottsdale Arizona.
 8 Having heard those names and entities and that
 9 address, do any of you believe that you know or know about
 10 or have had any dealings with these individuals or
 11 entities or the location?
 12 Why don't you come up.
 13 (Continued on next page.)

103

1 (Whereupon, the following occurred at sidebar.)
 2 (Prospective juror approaches sidebar.)
 3 THE COURT: Number 11. Let me get your last
 4 name.
 5 THE COURT: Mr. Connelly.
 6 A PROSPECTIVE JUROR: When you mentioned before
 7 that the NHL hockey players, and when you mentioned Bryan
 8 Berard, I heard from the newspapers there was a fraud and
 9 they lost a lot of money.
 10 THE COURT: You heard from the new?
 11 A PROSPECTIVE JUROR: Heard from the newspapers.
 12 THE COURT: I'm going to excuse you. Go back
 13 down to one, okay. Thank you.
 14 (Prospective juror leaves the sidebar.)
 15 (Prospective juror approaches sidebar.)
 16 A PROSPECTIVE JUROR: Hello.
 17 THE COURT: Number 121. Mr. Tormey.
 18 A PROSPECTIVE JUROR: Tormey.
 19 THE COURT: Yes, sir.
 20 A PROSPECTIVE JUROR: I know they're players,
 21 that's all.
 22 THE COURT: Do you know anything about the case?
 23 A PROSPECTIVE JUROR: No.
 24 THE COURT: So you're a hockey fan then?
 25 A PROSPECTIVE JUROR: Right.

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1 THE COURT: Is there anything about that, the
 2 fact that hockey players may be witness in this case is
 3 something -- alleged to be victims in case -- lead you to
 4 believe that you couldn't be fair and impartial in this
 5 case?
 6 A PROSPECTIVE JUROR: No.
 7 THE COURT: Okay.
 8 (Prospective juror leaves the sidebar.)
 9 (Prospective juror approaches sidebar.)
 10 THE COURT: Number 127, Mr. Shauer.
 11 A PROSPECTIVE JUROR: I just recognize a bunch
 12 of the people who are players in the National Hockey
 13 League.
 14 THE COURT: Are you a hockey fan?
 15 A PROSPECTIVE JUROR: Big hockey fan.
 16 THE COURT: As you heard my summary, some hockey
 17 players are alleged to be victims in this case and may be
 18 witnesses in the case. Is there anything about that that
 19 would affect your ability to be fair and impartial?
 20 A PROSPECTIVE JUROR: I mean I know some of
 21 them, one of them is on the Rangers, and I'm kind of a big
 22 Ranger fan.
 23 THE COURT: I'm going to excuse you. Go back
 24 down.
 25 A PROSPECTIVE JUROR: Thank you.

105

1 (Prospective juror leaves the sidebar.)
 2 (Prospective juror approaches sidebar.)
 3 THE COURT: Number 119, Ms. Kurkowski?
 4 A PROSPECTIVE JUROR: Yes. I've heard Mike Peca
 5 and Gonchar. I'm a season ticket holder, I know the
 6 names. I don't know anything other than that.
 7 THE COURT: As you heard in my summary of the
 8 case, it's alleged that some of the hockey players were
 9 victims in the case.
 10 A PROSPECTIVE JUROR: Right.
 11 THE COURT: And some of them may be witnesses in
 12 the case.
 13 A PROSPECTIVE JUROR: Right.
 14 THE COURT: Is there anything about that that
 15 would affect your ability to be fair and impartial?
 16 A PROSPECTIVE JUROR: No. I don't think so.
 17 THE COURT: Okay.
 18 (Prospective juror approaches sidebar.)
 19 THE COURT: Number 176. Mr. McCarthy.
 20 A PROSPECTIVE JUROR: Yes. Your Honor, just Led
 21 Better Golf, that's a very well-known name, I've never had
 22 any dealings with them.
 23 THE COURT: I don't think it's Led Better, I
 24 think it's something else.
 25 A PROSPECTIVE JUROR: Okay. Thank you.

1 (Continued on next page.)
 2 (Whereupon, the following occurred in open
 3 court.)
 4 THE COURT: Anyone else?
 5 (Continued on next page.)
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1 (Whereupon, the following occurred in open
 2 court.)
 3 THE COURT: All right. Ladies and gentlemen,
 4 the next step is we're going to call 42 names and when
 5 your name is called I'm going could ask you come up here
 6 and sit in one of these chairs and then we're going to ask
 7 some additional questions. Okay. So juror number one is
 8 Wanda Boone-Banks. Ms. Boone-Banks, if you can sit in the
 9 first chair on the floor here closest to me. Juror number
 10 two, James Gleeson. Juror number three, George Imperiale.
 11 Juror number 4, Ronald Palandrani. Juror number five,
 12 Mohamed Bacchus. Juror number six, Victoria Motherway.
 13 Juror number seven, Brian Connelly. Juror number eight,
 14 Mr. Matthew Rueger. Juror number nine, Gary Tighe,
 15 T-I-G-H-E. Juror number 10, Joanne Perkins. Juror number
 16 11, Stephanie Pace, juror number 12, Michael Cardarelli.
 17 Mr. Cardarelli, you're going to take the first seat in the
 18 second row closest to me. Juror number 13, Daniel Walsh.
 19 Juror number 14, Jaime Vitalicio, Jr. Juror number 15,
 20 Ellen McGuire. You can actually go that way so you don't
 21 have to walk over everybody. Juror number 16, Andrea
 22 Vetter. Juror 17, Christopher Dere, D-E-R-E. Juror 18,
 23 Steven Markowitz, juror 19, John Stoddard. Juror 20,
 24 Bonnie Garelick. Juror 21, Marci Mainzer. Juror 22, Yan
 25 Mou Li, L-I. What's your name, ma'am, the one sitting

1 down right now, what the your name?
 2 A PROSPECTIVE JUROR: Donna Garelick.
 3 THE COURT: About 23, Grace Bernstein. 24,
 4 Melissa Angelone. Juror 25, Cindy Simon. Juror 26,
 5 Robert Tesseo. Mr. Tesseo, you'll be in the last row
 6 closest to me in the first seat.
 7 Juror 27, Nicole Hanisch-Doepp, D-E-O-P-P.
 8 Juror 28, Patricia O'Mallon. Juror 29, Sap Sam Lao,
 9 L-A-O, last name. Juror 30, Donald J. Sparks. Juror 31,
 10 Matthew Hoffman. Juror 32, Rossennel Mangalindan. 33
 11 Joseph Macias, M-A-C-I-A-S. Juror 34, Christine Douglas.
 12 Juror 35, Joseph Vitiello. Juror 36, Harold Kislik,
 13 K-I-S-L-I-K. 37, Brigid Kinney. 38, Thomas Romano.
 14 Thomas Romano? No answer.
 15 38, Albert Kolfan, K-O-L-F-A-N. 39 Hillary
 16 Wilson. Juror 40, Kenneth Wiesmann. 41, Marie McCarthy.
 17 42, Patricia Speckin, S-P-E-C-K-I-N. Ms. Speckin, you can
 18 go around the other way. I'm sorry, you can't get
 19 through. I'm sorry, I don't think that you can get
 20 through there. Usually there's a space there. Okay. So
 21 those of you whose names I called I'm going to ask you
 22 some more questions. If you have a yes answer for any of
 23 my questions raise your hand and if you want to speak at
 24 sidebar to answer the question just let know and you'll
 25 come up to sidebar to do it. This is very important,

1 those of you who are in the audience as potential jurors
 2 you need to listen to the questions that I'm asking the
 3 group of 42, because if I excuse one of them in a moment,
 4 we're going to call another name and your name might be
 5 called, and if you haven't listened to the questions and I
 6 have to repeat every single question for every person that
 7 comes up, that will take a long time. Those in the
 8 audience, make note of the questions and if you have any
 9 yes answers to the questions, when I call your name you're
 10 going to have to let me know about that. Okay? And
 11 things will go much quicker today.
 12 So, under the law, the facts are for the jury to
 13 determine and the law is for the Court. The two areas are
 14 separate and distinct. At the end of the case I will
 15 instruct you on the law, and you are required to accept
 16 the law as I explain it to you.
 17 It will be your job to determine the facts under
 18 my instructions or explanation of the law. Do any of you
 19 believe that you would be unable to apply the law as I
 20 explain it even if you disagree with it?
 21 Okay. Why don't you approach?
 22 (Continued on next page.)
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110

1 (Whereupon, the following occurred at sidebar.)
 2 (Prospective juror approaches sidebar.)
 3 THE COURT: What's the concern, Mr. Tesseo?
 4 A PROSPECTIVE JUROR: Yes. About 20 years ago I
 5 lost about \$10,000 to an investment company similar to
 6 this, I know I would be biased in the case.
 7 THE COURT: Okay. Go back to one. Thank you.
 8 A PROSPECTIVE JUROR: Thank you.
 9 MR. LA RUSSO: Which number is that?
 10 THE COURT: This is number 26, Tesseo.
 11 (Prospective juror leaves the sidebar.)
 12 (Prospective juror approaches sidebar.)
 13 THE COURT: What's your name?
 14 A PROSPECTIVE JUROR: Jaime Vitalicio.
 15 THE COURT: Let make sure that I can get your
 16 number here. Number 14. Okay. Go ahead.
 17 A PROSPECTIVE JUROR: I have a problem with the
 18 language.
 19 THE COURT: You have a problem with the
 20 language?
 21 A PROSPECTIVE JUROR: Yes.
 22 THE COURT: I'll send you back down.
 23 (Prospective juror leaves the sidebar.)
 24 (Continued on next page.)
 25 THE COURT: Anyone else?

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1 MR. LA RUSSO: In light of the excused, there
 2 are victims of the investor fraud. I know you turned down
 3 my request. I'm going to request, but not in the exact
 4 same wording.
 5 MR. LA RUSSO: Okay, thank you, Judge.
 6 (Continued on next page.)
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112

1 (Whereupon, the following occurred in open
 2 court.)
 3 THE COURT: We'll fill see the number 14. Juror
 4 number 14 will now be Pearl Olsen.
 5 And juror number 26 will be Christina Petrino.
 6 Ms. Olsen and Ms. Petrino, did you hear my question, do
 7 you have a yes answer to that question?
 8 A PROSPECTIVE JUROR: No.
 9 A PROSPECTIVE JUROR: No.
 10 THE COURT: Next, a criminal defendant has the
 11 right not to testify. If the defendant does not testify,
 12 the jury may not draw any inference against him based on
 13 that decision. The fact that a defendant chooses not to
 14 testify may not enter into the jury's deliberation.
 15 Do any of you believe that you would be unable
 16 to accept and apply this rule of law? Okay.
 17 Next question: Under the law, a defendant is
 18 presumed to be innocent and cannot be found guilty of the
 19 crimes charged in the indictment unless a jury, after
 20 having heard all of the evidence in the case, unanimously
 21 decides that the evidence proves his guilt beyond a
 22 reasonable doubt.
 23 Do any of you believe that you would be unable
 24 to accept and apply this rule of law?
 25 Okay, next question: I will further instruct

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1 the jury that in a criminal case the burden of proof
 2 remains with the prosecution at all times. In order for
 3 the jury to return a verdict of guilty, the prosecution
 4 must prove beyond a reasonable doubt that a defendant is
 5 guilty. A person charged with a crime has absolutely no
 6 burden to prove that he is not guilty.
 7 Do any of you believe that you would be unable
 8 to accept and apply this rule of law? Okay. Next. I will
 9 instruct the jury that it is required by law to make its
 10 decision solely on the basis of evidence or lack of
 11 evidence presented in court and not on the basis of
 12 speculation, suspicion, sympathy or prejudice a juror may
 13 have.
 14 Do any of you believe that you would be unable
 15 to accept and apply this rule of law?
 16 Next question, do any of you have any
 17 prejudice -- bias or prejudice concerning the police, the
 18 Department of Justice or any law enforcement agency that
 19 would lead you to be prejudiced either in favor of or
 20 against the government in a criminal prosecution?
 21 Okay. Why don't we take those at sidebar.
 22 We'll do it by row. First row first.
 23 (Continued on next page.)
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114

1 (Whereupon, the following occurred at sidebar.)
 2 (Prospective juror approaches sidebar.)
 3 THE COURT: Mr. Connelly.
 4 A PROSPECTIVE JUROR: I'm a retired police
 5 officer, a retired lieutenant from the police department.
 6 THE COURT: Given it's going to be law
 7 enforcement officers testifying in this case, do you think
 8 that you can be fair and impartial in this case?
 9 A PROSPECTIVE JUROR: I think that I can. It's
 10 up to you.
 11 THE COURT: I can't read your mind.
 12 A PROSPECTIVE JUROR: No. I can. Yes.
 13 THE COURT: Okay. Anyone else in the first row?
 14 Second row.
 15 MR. LA RUSSO: He was number what?
 16 THE COURT: Seven.
 17 (Prospective juror approaches sidebar.)
 18 THE COURT: What's your last name.
 19 A PROSPECTIVE JUROR: Cardarelli, Michael.
 20 THE COURT: Number 12, Cardarelli, right?
 21 A PROSPECTIVE JUROR: Yes, sir.
 22 THE COURT: Go ahead.
 23 A PROSPECTIVE JUROR: I'm not biased but I'm a
 24 probation officer, a peace officer.
 25 THE COURT: Peace officer or probation?

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1 A PROSPECTIVE JUROR: Probation officer.
 2 THE COURT: For what entity.
 3 A PROSPECTIVE JUROR: For Nassau County.
 4 THE COURT: Let me ask you, there's going to be
 5 law enforcement officers who are going to testify in the
 6 case. Do you think given your line of work that you can
 7 be fair and impartial to both sides in the case?
 8 A PROSPECTIVE JUROR: I believe that I can, yes.
 9 THE COURT: All right. Thank you.
 10 A PROSPECTIVE JUROR: Go sit down?
 11 THE COURT: Yes.
 12 (Prospective juror leaves the sidebar.)
 13 (Prospective juror approaches sidebar.)
 14 THE COURT: Anyone else in the second row?
 15 What's your name?
 16 A PROSPECTIVE JUROR: Mangalindan.
 17 THE COURT: One second you're in the third row,
 18 32. Go ahead. What's the issue?
 19 A PROSPECTIVE JUROR: I might be biased with the
 20 defense.
 21 THE COURT: With the defense?
 22 A PROSPECTIVE JUROR: Yes.
 23 THE COURT: So you're against the defense you
 24 mean?
 25 A PROSPECTIVE JUROR: Always.

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1 THE COURT: I'm going to excuse you. Go back to
 2 one. All right.
 3 (Prospective juror leaves the sidebar.)
 4 (Prospective juror approaches sidebar.)
 5 THE COURT: Can you state your name?
 6 A PROSPECTIVE JUROR: My name is Sap Sam Lao. I
 7 don't understand you.
 8 THE COURT: Number 29, what's the issue?
 9 A PROSPECTIVE JUROR: I don't understand too
 10 much English.
 11 THE COURT: Okay. Go back to one.
 12 A PROSPECTIVE JUROR: Thank you.
 13 (Prospective juror leaves the sidebar.)
 14 (Prospective juror approaches sidebar.)
 15 THE COURT: Can you state your name for the
 16 record.
 17 A PROSPECTIVE JUROR: Nicole Hanish,
 18 H-A-N-I-S-H.
 19 THE COURT: Number 27, go ahead.
 20 A PROSPECTIVE JUROR: My husband is a New York
 21 State police officer, so anything against the police I
 22 probably wouldn't be in favor of.
 23 THE COURT: I'm going to send you back to one,
 24 okay.
 25 (Prospective juror leaves the sidebar.)

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1 (Prospective juror approaches sidebar.)
 2 THE COURT: Hi. Marie McCarthy.
 3 THE COURT: Number 41, okay.
 4 A PROSPECTIVE JUROR: I don't have any bias, but
 5 my husband was a police officer, my father was a police
 6 officer, my grandfather was a police officer, and I worked
 7 as a dispatcher for ten years with the police department.
 8 THE COURT: Which entity? What police
 9 department did you work for?
 10 A PROSPECTIVE JUROR: Floral Park.
 11 THE COURT: Okay. There are going to be law
 12 enforcement officers various agencies that are going to
 13 testify in this case, and given your work and your
 14 family's work, do you think that you can be fair and
 15 impartial to both sides in the case?
 16 A PROSPECTIVE JUROR: Yes, I do.
 17 THE COURT: Thank you.
 18 A PROSPECTIVE JUROR: Go back?
 19 THE COURT: Yes.
 20 (Continued on next page.)
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118

1 (Whereupon, the following occurred in open
2 court.)
3 THE COURT: Anyone else?
4 THE COURT: I'm going to fill those empty seats.
5 Seat number 27 will be Jenise Mukhtadir, M-U-K-T-A-D-I-R.
6 Sir, did you hear my questions? Do you have any
7 yes answers.
8 A PROSPECTIVE JUROR: No.
9 THE COURT: You can sit down.
10 THE COURT: Juror 29, will be Mariama L.
11 Barrie-Diamond. Did you hear my questions? Do you have
12 any yes answers?
13 A PROSPECTIVE JUROR: No.
14 THE COURT: Why don't you come up. I can't hear
15 you.
16 (Continued on next page.)
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119

1 (Whereupon, the following occurred at sidebar.)
2 (Prospective juror approaches sidebar.)
3 THE COURT: Hi. What's the issue?
4 A PROSPECTIVE JUROR: I'm dyslexic, I don't
5 write like that, I can't write that because of my
6 dyslexia.
7 THE COURT: You can't write?
8 A PROSPECTIVE JUROR: I write but -- I
9 understand.
10 THE COURT: Do you read documents?
11 A PROSPECTIVE JUROR: I'm a writer, but I'm
12 dyslexic.
13 THE COURT: I think that should be fine.
14 A PROSPECTIVE JUROR: Thank you, sir.
15 (Continued on next page.)
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120

1 (Whereupon, the following occurred in open
2 court.)
3 THE COURT: Juror number 32, Jennifer Leone.
4 Good afternoon, Ms. Leone, did you hear my questions?
5 A PROSPECTIVE JUROR: I did.
6 THE COURT: Do you have any yes answers?
7 A PROSPECTIVE JUROR: I don't.
8 THE COURT: You can be seated.
9 The next question to each of you is the
10 following: You heard my summary of the charges and the
11 allegations in this case, a summary of it. Having heard
12 that, is there anything about the meaning of the charges
13 in this case that would prevent you from rendering a fair
14 and impartial verdict on the charges based solely on the
15 evidence presented in court?
16 Next question, have you ever had any negative
17 experience with an investment advisor or a real estate
18 development firm? Why don't you come up one by one.
19 (Continued on next page.)
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121

1 (Whereupon, the following occurred at sidebar.)
2 (Prospective juror approaches sidebar.)
3 A PROSPECTIVE JUROR: Ms. Bonnie Garelick.
4 THE COURT: 20, okay, go ahead.
5 A PROSPECTIVE JUROR: My son-in-law used to work
6 in a boiler room in an investment company that wasn't
7 completely legitimate. I don't know if that has any
8 bearing on this case or not, but it kind of influences the
9 way that I see certain people.
10 THE COURT: I'm going send you back down. Thank
11 you.
12 A PROSPECTIVE JUROR: Go back downstairs?
13 THE COURT: Yes.
14 (Prospective juror leaves the sidebar.)
15 (Prospective juror approaches sidebar.)
16 THE COURT: What's your name, please.
17 A PROSPECTIVE JUROR: Brigid Kinney.
18 THE COURT: Number 37. Go ahead.
19 A PROSPECTIVE JUROR: About I guess 30 years ago
20 I was a young, young girl I invested for tax purposes, tax
21 shelters with a real estate firm in Wichita, Kansas, I got
22 tax benefits from it but I didn't make any money.
23 THE COURT: Do you believe that you were the
24 victim of any fraud?
25 A PROSPECTIVE JUROR: No.

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1 THE COURT: The investment didn't work out?
 2 A PROSPECTIVE JUROR: Yes, it was a farm
 3 building that didn't work out.
 4 THE COURT: Is there anything about that
 5 experience that would affect your ability to be fair and
 6 impartial?
 7 A PROSPECTIVE JUROR: No. It was a defense
 8 plant and they took the contract away.
 9 THE COURT: Okay. Thank you.
 10 (Prospective juror leaves the sidebar.)
 11 THE COURT: Anyone else? Mr. La Russo, if you
 12 want to ask a direct question?
 13 MR. LA RUSSO: I'd like to just confront it
 14 given a victim of an investment fraud, period. Thank you.
 15 THE COURT: Okay. Stay here.
 16 (Continued on next page.)
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123

1 (Whereupon, the following occurred in open
 2 court.)
 3 THE COURT: Next question: Have any of you, a
 4 member of your family or close friend ever been the victim
 5 of an investment fraud? You, a member of your family or
 6 close friend ever been the victim of an investment fraud?
 7 Why don't you come up.
 8 (Continued on next page.)
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124

1 (Whereupon, the following occurred at sidebar.)
 2 (Prospective juror approaches sidebar.)
 3 THE COURT: Hi, can you state your name.
 4 A PROSPECTIVE JUROR: Gary Tighe number nine.
 5 THE COURT: Go ahead, Mr. Tighe.
 6 A PROSPECTIVE JUROR: I was an investor in a
 7 public company where the principal absconded with most of
 8 the funds. I don't know if --
 9 THE COURT: How long ago was that.
 10 A PROSPECTIVE JUROR: 10 years.
 11 THE COURT: What was the company?
 12 A PROSPECTIVE JUROR: Actrade, I was appointed
 13 on the equity holders committee by the SEC when they
 14 liquidated it.
 15 THE COURT: Okay. I'm going to excuse you from
 16 this case given that experience, okay. Just go back down
 17 to one. Thanks.
 18 A PROSPECTIVE JUROR: Okay.
 19 (Prospective juror leaves the sidebar.)
 20 (Prospective juror approaches sidebar.)
 21 THE COURT: Hi, can you state your name.
 22 A PROSPECTIVE JUROR: Jennifer Leone.
 23 THE COURT: Number 32, okay, go ahead.
 24 A PROSPECTIVE JUROR: Yes, I have a close friend
 25 who lost self hundred thousand dollars in Agape Ponzi

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1 scheme.
 2 THE COURT: Given your close friend's
 3 experience, do you think that you can be fair and
 4 impartial to both sides in this type of case?
 5 A PROSPECTIVE JUROR: I think that I could.
 6 THE COURT: Okay. Thank you. You can sit back
 7 down.
 8 (Prospective juror leaves the sidebar.)
 9 (Prospective juror approaches sidebar.)
 10 THE COURT: Can you state your name for the
 11 record.
 12 A PROSPECTIVE JUROR: Melissa Angelone.
 13 THE COURT: Do you remember what your number
 14 was? Do you remember what seat that you were in? 24. Go
 15 ahead.
 16 A PROSPECTIVE JUROR: A close friend of mine is
 17 a daughter of Saul Katz.
 18 THE COURT: I don't know him.
 19 A PROSPECTIVE JUROR: There was speculation in
 20 the newspaper that he was connected with Bernie Madoff.
 21 THE COURT: And she's his daughter?
 22 A PROSPECTIVE JUROR: Yes.
 23 THE COURT: Okay. Is there anything about your
 24 relationship with her family that would affect your
 25 ability to be fair and impartial in this case in this type

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1 of case?
 2 A PROSPECTIVE JUROR: No.
 3 THE COURT: You can be seated.
 4 (Continued on next page.)
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127

1 (Whereupon, the following occurred in open
 2 court.)
 3 THE COURT: Anyone else? We'll take a break at
 4 3:15. Okay, we're going to fill those seats. Seat number
 5 nine is now James Kosloff. Good afternoon, Mr. Kosloff,
 6 did you hear my questions?
 7 A PROSPECTIVE JUROR: Yes.
 8 THE COURT: Do you have any yes answers.
 9 A PROSPECTIVE JUROR: No.
 10 THE COURT: You can be seated. Juror number 20
 11 will Christine Kurkowski. Ms. Kurkowski, did hear my
 12 questions?
 13 A PROSPECTIVE JUROR: I did.
 14 THE COURT: Do you have any yes answers?
 15 A PROSPECTIVE JUROR: I don't.
 16 THE COURT: You can be seated in seat 20. Okay.
 17 Next question is: Have you, a close friend or member of
 18 your family ever been employed by an investment advisor or
 19 a stockbroker, you, a close friend or member of your
 20 family ever been employed by an investment advisor or
 21 stockbroker? Is that a yes?
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1 THE COURT: Juror Number 10, Ms. Perkins. Just
 2 tell me who it is?
 3 PROSPECTIVE JUROR: I work for stockbrokers at
 4 Merrill Lynch.
 5 THE COURT: You do?
 6 PROSPECTIVE JUROR: Yes. And I'm licensed.
 7 THE COURT: Is there anything about the work that
 8 you do that would affect your ability to be fair and impartial
 9 to both sides in this case?
 10 PROSPECTIVE JUROR: No.
 11 THE COURT: Thank you.
 12 Anyone else in the first row? Hold on. Please keep
 13 your voice up.
 14 Number 6, Ms. Motherway.
 15 PROSPECTIVE JUROR: Yes. I have two brother-in-laws
 16 that are brokers.
 17 THE COURT: Anything about your brother-in-laws'
 18 work that would affect your ability to be fairly and impartial
 19 in this case?
 20 PROSPECTIVE JUROR: No.
 21 THE COURT: Juror Number 8, Mr. Rueger.
 22 PROSPECTIVE JUROR: My father work's for Barclay's.
 23 He is an investor.
 24 THE COURT: Is there anything about your father's
 25 work that would affect your ability to be fair and impartial
 RONALD E. TOLKIN, RPR, RMR, CRR

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1 in this case?
 2 PROSPECTIVE JUROR: No, Your Honor.
 3 THE COURT: In the first row. Juror Number 11,
 4 Ms. Pace.
 5 PROSPECTIVE JUROR: My aunt and uncle are both
 6 brokers.
 7 THE COURT: Anything about this work that would
 8 affect your ability to be fair and impartial in the case?
 9 PROSPECTIVE JUROR: No.
 10 THE COURT: Second row. Ms. McGuire, Juror Number
 11 15.
 12 PROSPECTIVE JUROR: My husband's best friend is a
 13 broker.
 14 THE COURT: Is there anything about your husband's
 15 best friend's work that would affect your ability to be fair
 16 and impartial in this case?
 17 PROSPECTIVE JUROR: No.
 18 THE COURT: Anyone else in the second row?
 19 Ms. Angelone, Juror 24?
 20 PROSPECTIVE JUROR: My husband is a trader at a
 21 firm.
 22 THE COURT: Is there anything about your husband's
 23 work that would affect your ability to be fair and impartial
 24 in this case?
 25 PROSPECTIVE JUROR: No.
 RONALD E. TOLKIN, RPR, RMR, CRR

JURY SELECTION

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1 THE COURT: Can you repeat the name of the company?
 2 PROSPECTIVE JUROR: Hostetler.
 3 THE REPORTER: I didn't get that.
 4 THE COURT: Anyone else in the back row?
 5 Yes, sir?
 6 PROSPECTIVE JUROR: My sister is a banker at Goldman
 7 Sachs.
 8 THE COURT: Anything about your sister's work as a
 9 banker at Goldman Sachs that would effect your ability to be
 10 fair and impartial in this case?
 11 PROSPECTIVE JUROR: No, Your Honor.
 12 THE COURT: Anyone else in the back row. We have
 13 here Mr. Sparks.
 14 PROSPECTIVE JUROR: I work for a company doing
 15 security and IT.
 16 THE COURT: So you work in those entities in the IT
 17 department.
 18 PROSPECTIVE JUROR: Yes. UPS and Paine Webber.
 19 THE COURT: Is there anything about your work at
 20 those companies that would affect your ability to be fair and
 21 impartial in this case?
 22 PROSPECTIVE JUROR: No.
 23 THE COURT: Anyone else in the back row?
 24 PROSPECTIVE JUROR: Your Honor --
 25 THE COURT: One second. Are you Mr. Vitiello.

JURY SELECTION

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1 PROSPECTIVE JUROR: Yes, I am.
 2 THE COURT: Go ahead.
 3 PROSPECTIVE JUROR: I worked for JP Morgan as a
 4 securities investor.
 5 THE COURT: You do now or used to?
 6 PROSPECTIVE JUROR: Not now. I am retired.
 7 THE COURT: On the investment side?
 8 PROSPECTIVE JUROR: Yes.
 9 THE COURT: Is there anything about your work at
 10 JP Morgan that would affect your ability to be fair and
 11 impartial in this case?
 12 PROSPECTIVE JUROR: No.
 13 THE COURT: Okay. Mr. Kislik.
 14 PROSPECTIVE JUROR: I have a good friend who works
 15 in the financial services industry. I don't know the name of
 16 the firm.
 17 THE COURT: Is there anything about his work that
 18 would affect your ability to be fair and impartial in this
 19 case?
 20 PROSPECTIVE JUROR: No.
 21 THE COURT: Anyone else?
 22 Okay. The next question is, have you or a close
 23 friend or family member ever brought a legal action or lawsuit
 24 or arbitration against a financial advisor, stockbroker, or an
 25 investment advisor?

JURY SELECTION

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1 Okay. Next question. One of the defendants in this
 2 case was a financial advisor. Do any of you have any feelings
 3 or views about financial advisors that would prevent you from
 4 being fair and impartial to both sides in this case?
 5 Okay. There will be a number of banks and other
 6 financial institutions that will be mentioned during this
 7 trial. I'm going to read off the banks and financial
 8 institutions that will be mentioned or maybe a witness from
 9 one of these banks. Northern Trust Bank, First Century Bank,
 10 Lehman Brothers, Charles Schwab, Wells Fargo, Citibank,
 11 Centrum Bank, JP Morgan Chase, Washington Mutual, Wachovia,
 12 Bank of America, Johnson Bank, Alliance Bank of Arizona,
 13 International Bank, and TD Bank.
 14 My question is, have you or a family member ever
 15 worked for any of those institutions. If you already told us,
 16 you don't have to repeat it. Have you or a family member ever
 17 worked for any of those institutions.
 18 Okay. Juror 10, Ms. Perkins.
 19 PROSPECTIVE JUROR: I work for Bank of America.
 20 THE COURT: You work for Bank of America right now?
 21 PROSPECTIVE JUROR: Yes.
 22 THE COURT: What type of work do you do?
 23 PROSPECTIVE JUROR: I work for Merrill Lynch. I'm
 24 employed by Bank of America as a registered teller.
 25 THE COURT: You already told me that. Thank you.

JURY SELECTION

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1 The second row. Ms. Simon.
 2 PROSPECTIVE JUROR: My father is retired from
 3 Wachovia Bank.
 4 THE COURT: What type of work did he did for the
 5 back?
 6 PROSPECTIVE JUROR: Security and IT.
 7 THE COURT: Security and IT, okay. Thank you.
 8 Last row. Ms. Petrino.
 9 PROSPECTIVE JUROR: My father works now for JP
 10 Morgan Chase.
 11 THE COURT: What type of work does he do?
 12 PROSPECTIVE JUROR: Securities investing.
 13 THE COURT: Thank you.
 14 Yes, sir.
 15 PROSPECTIVE JUROR: I used to work at JP Morgan
 16 Chase.
 17 THE COURT: What type of work?
 18 PROSPECTIVE JUROR: Commercial work.
 19 THE COURT: All right, thank you.
 20 Ms. O'Mallon.
 21 PROSPECTIVE JUROR: My sisters were brokers at JP
 22 Morgan. One is retired and one is not working there anymore.
 23 THE COURT: Two sisters. One is retired and one is
 24 not working anymore at JP Morgan Chase. Do you know what type
 25 of work she did there?

JURY SELECTION

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1 PROSPECTIVE JUROR: She's a manager. The other work
2 also did like administration.
3 THE COURT: Administrative work?
4 PROSPECTIVE JUROR: Yes.
5 THE COURT: Anyone else in the back row?
6 Ms. Koenig.
7 PROSPECTIVE JUROR: My nephew works for TD Bank. He
8 does the mortgages.
9 THE COURT: Anyone else? Ms. McGuire.
10 PROSPECTIVE JUROR: My cousin works at Citibank in
11 New York City.
12 THE COURT: Okay. Anyone else?
13 The next question is, have you or a family member
14 ever been involved in any dispute or litigation with any of
15 are these financial institutions?
16 Okay. Do any of you have experiences, feelings, or
17 views about the institutions that would prevent you from being
18 fair and impartial in this case?
19 Okay. Next question. During the course of this
20 trial you will hear testimony from witnesses with all sorts of
21 backgrounds. They all equal before the law. You must judge
22 the credibility of each on the basis of his or her own
23 testimony, not on any assumptions about them based upon who
24 they are or what they do. Anyone who would have any
25 difficulty applying that rule?

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1 Okay. Next question. Some witnesses will be law
2 enforcement officers anyone. Is there who feels they will
3 automatically believe or disbelieve the testimony of such a
4 witness rather than judge the testimony on its own merits?
5 Okay. Next question. For the duration of this
6 trial you must refrain from reading or watching media accounts
7 of the trial. You may not use the Internet or social media to
8 comment or inquire about or attempt to supplement the
9 testimony and evidence that may be admitted at trial. Is
10 there anyone who has any difficulty applying that rule?
11 Why don't you approach.
12 (Prospective juror approaches sidebar.)
13 THE COURT: Okay.
14 PROSPECTIVE JUROR: I forgot my husband and I are in
15 the middle of I believe a litigation at Wells Fargo and Bank
16 of America.
17 THE COURT: What's the nature of the litigation?
18 PROSPECTIVE JUROR: Our mortgage. We have a lawyer.
19 THE COURT: So you're about to sue them or they're
20 about to sue you? Or you don't know?
21 PROSPECTIVE JUROR: They didn't come through with
22 things that they said they were going to. So we obtained a
23 lawyer and we're in the middle. I don't know what's
24 happening.
25 THE COURT: You said Wells Fargo?

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1 PROSPECTIVE JUROR: Wells Fargo and Bank of America?
2 THE COURT: Why don't you step back and let me
3 confer with the lawyers.
4 PROSPECTIVE JURORS: Okay.
5 (Prospective juror leaves the sidebar.)
6 THE COURT: I don't know how that would impact the
7 case.
8 MR. HALEY: I'm less concerned about the fact that
9 she knows about the banks as opposed to being involved in
10 litigation. In other words, she claims they told her things
11 and didn't come through with things.
12 THE COURT: Is there any objection to that?
13 MR. MISKIEWICZ: No objection.
14 MR. LaRUSSO: No objection.
15 THE COURT: Please come forward.
16 (Prospective juror returns to the sidebar.)
17 I'm going to excuse you, given that fact. Go back
18 to the jury room.
19 PROSPECTIVE JUROR: Okay.
20 (Prospective juror leaves the sidebar.)
21 MR. LaRUSSO: What juror was that?
22 THE COURT: She was 24.
23 Stay here while I see if there are any others.
24 Fill seat Number 24 with James Kosloff. Oh, you're
25 here. Sorry about that.

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1 24 is now John Gorney, G-O-R-N-E-Y.
2 Good afternoon, Mr. Gorney. Did you hear my
3 questions?
4 PROSPECTIVE JUROR: Yes.
5 THE COURT: Do you have any yes responses?
6 PROSPECTIVE JUROR: No.
7 THE COURT: You may sit down.
8 (Whereupon the sidebar conference was concluded.)
9 THE COURT: Next question. Some of the evidence in
10 this case was obtained through the use of recording devices in
11 which one party to the conversation consented to the use of
12 the recording, but the other party to the conversation was not
13 aware that he or she was being recorded. This evidence was
14 obtained legally. Do any of you have feelings about the use
15 of recording devices in that manner that would prevent you
16 from being fair and impartial in this case?
17 Next question. Have you or any member of your
18 family or a close friend been the victim of a crime?
19 Come up to the sidebar.
20 (Prospective juror approaches sidebar.)
21 THE COURT: Your name?
22 PROSPECTIVE JUROR: Wanda Banks-Spoon. They have it
23 backwards.
24 THE COURT: I will correct that. What is the issue?
25 PROSPECTIVE JUROR: My mom was mugged several times

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1 and my father was murdered.
 2 THE COURT: How long ago was that?
 3 PROSPECTIVE JUROR: 40-something years ago.
 4 THE COURT: Did they ever charge someone with that?
 5 PROSPECTIVE JUROR: Not with my dad. They never
 6 caught the person with my mom.
 7 THE COURT: Anything about those9 experiences that
 8 would affect your ability to be fair and impartial in this
 9 case?
 10 PROSPECTIVE JUROR: No.
 11 (Prospective juror leaves the sidebar.)
 12 (Prospective juror approaches sidebar.)
 13 THE COURT: Tell me the name again.
 14 PROSPECTIVE JUROR: Daniel Walsh.
 15 THE COURT: 13.
 16 PROSPECTIVE JUROR: My house was robbed.
 17 THE COURT: Were you there? Was it a burglary with
 18 you home?
 19 PROSPECTIVE JUROR: No.
 20 THE COURT: Did they catch anybody for that?
 21 PROSPECTIVE JUROR: No.
 22 THE COURT: How long ago was that?
 23 PROSPECTIVE JUROR: About two years ago.
 24 THE COURT: Is there anything about that that would
 25 affect your ability to be fair and impartial in this case?

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1 PROSPECTIVE JUROR: No.
 2 THE COURT: You can sit down.
 3 (Prospective juror leaves the sidebar.)
 4 (Prospective juror approaches sidebar.)
 5 PROSPECTIVE JUROR: Gloria Imperiale-George. Juror
 6 Number 3.
 7 THE COURT: They have the name reversed.
 8 PROSPECTIVE JUROR: It wasn't a financial crime,
 9 that's why I didn't think it was an issue.
 10 THE COURT: That's okay. What was it?
 11 PROSPECTIVE JUROR: My husband had a gun put to his
 12 head and he was car jacked.
 13 THE COURT: How long ago was that.
 14 PROSPECTIVE JUROR: Many years ago. About 25 years
 15 ago.
 16 THE COURT: Did they arrest anybody in connection
 17 with that?
 18 PROSPECTIVE JUROR: No.
 19 THE COURT: Is there anything about your husband's
 20 experience that would affect your ability to be fair and
 21 impartial?
 22 PROSPECTIVE JUROR: No.
 23 (Prospective juror leaves the sidebar.)
 24 (Prospective juror approaches sidebar.)
 25 THE COURT: Next.

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1 PROSPECTIVE JUROR: Hoffman, first name is Matthew.
 2 THE COURT: Number 31.
 3 PROSPECTIVE JUROR: Burglary.
 4 THE COURT: Of your home?
 5 PROSPECTIVE JUROR: My girlfriend's rented apartment
 6 and my own apartment 15 years ago.
 7 THE COURT: Did they ever charge anybody in
 8 connection with those?
 9 PROSPECTIVE JUROR: No.
 10 THE COURT: Is there anything about those
 11 experiences that would affect your ability to be fair and
 12 impartial?
 13 PROSPECTIVE JUROR: No, sir.
 14 (Prospective juror leaves the sidebar.)
 15 (Prospective juror approaches sidebar.)
 16 PROSPECTIVE JUROR: Christine Douglas.
 17 THE COURT: Juror 34. Go ahead.
 18 PROSPECTIVE JUROR: Garden variety mugging and a
 19 purse snatch.
 20 THE COURT: How long ago was that?
 21 PROSPECTIVE JUROR: A long time ago. Almost 30
 22 years, I imagine.
 23 THE COURT: Did they charge anyone in connection
 24 with that?
 25 PROSPECTIVE JUROR: No. And then about, I don't

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1 know, eight or nine years ago somebody broke into the garage
 2 and stole a snowblower and stuff like that.
 3 THE COURT: Did they arrest anybody on that?
 4 PROSPECTIVE JUROR: Yes, they got that one.
 5 THE COURT: Did you have to testify in connection?
 6 PROSPECTIVE JUROR: No. We never went to court. I
 7 think they confessed.
 8 THE COURT: Is there anything about those
 9 experiences that would affect your ability to be fair and
 10 impartial?
 11 PROSPECTIVE JUROR: No.
 12 THE COURT: Okay. Thank you.
 13 (Prospective juror leaves the sidebar.)
 14 (Prospective juror approaches sidebar.)
 15 THE COURT: State your name again, and what number
 16 are you?
 17 PROSPECTIVE JUROR: Donald Sparks, 30.
 18 THE COURT: 30.
 19 PROSPECTIVE JUROR: In 2008 my house was broken
 20 into. I lost 10,000 in cash and jewelry. They never caught
 21 anybody.
 22 THE COURT: Was anyone home at the time?
 23 PROSPECTIVE JUROR: No one home.
 24 THE COURT: Anything about the experience that would
 25 affect your ability to be fair and impartial in this case?

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1 PROSPECTIVE JUROR: No.
 2 THE COURT: Next. What is your name?
 3 PROSPECTIVE JUROR: Hillary Wilson.
 4 THE COURT: Do you know what juror number you are?
 5 PROSPECTIVE JUROR: I don't remember.
 6 THE COURT: Juror 39. I got it.
 7 PROSPECTIVE JUROR: My friend was a victim of a home
 8 invasion.
 9 THE COURT: Your friend, was he or she home at the
 10 time?
 11 PROSPECTIVE JUROR: She was home.
 12 THE COURT: Was she injured.
 13 PROSPECTIVE JUROR: She was injured; cuts and
 14 bruises.
 15 THE COURT: Cuts and bruises.
 16 PROSPECTIVE JUROR: Yes.
 17 THE COURT: How long ago was that?
 18 PROSPECTIVE JUROR: Five years ago.
 19 THE COURT: Did they charge anyone in connection
 20 with that?
 21 PROSPECTIVE JUROR: They didn't catch them.
 22 THE COURT: Is there anything about that that would
 23 affect your ability to be fair and impartial in this case?
 24 PROSPECTIVE JUROR: No.
 25 THE COURT: Okay. Thank you.

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1 (Prospective juror leaves the sidebar.)
 2 (Prospective juror approaches sidebar.)
 3 THE COURT: Can you state your name?
 4 PROSPECTIVE JUROR: Albert Kulsan.
 5 THE COURT: Number 38, go ahead.
 6 PROSPECTIVE JUROR: I had a vehicle stolen twice, I
 7 had a business broken into, and an adjacent rental property
 8 was broken into.
 9 THE COURT: Did they charge anybody in connection
 10 with those?
 11 PROSPECTIVE JUROR: The last one.
 12 THE COURT: Did you have to testify in connection
 13 with that?
 14 PROSPECTIVE JUROR: No.
 15 THE COURT: Anything about any of those experiences
 16 that would affect your ability to be fair and impartial in
 17 this case?
 18 PROSPECTIVE JUROR: No.
 19 (Prospective juror leaves the sidebar.)
 20 (Whereupon the sidebar conference was concluded.)
 21 THE COURT: Okay. The last question was whether you
 22 were a victim of a crime. This question is, have you ever
 23 been a witness to a crime? Have you ever been a witness to a
 24 crime?
 25 Please approach.

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1 (Prospective juror approaches sidebar.)
 2 THE COURT: You are Number 7.
 3 PROSPECTIVE JUROR: I was a cop and arrested people,
 4 so I was a witness. That will not change how I will view the
 5 trial.
 6 THE COURT: Okay, thank you.
 7 Anyone else.
 8 (Whereupon the sidebar conference was concluded.)
 9 THE COURT: As you heard before, this case is being
 10 prosecuted by the United States Attorney's Office for the
 11 Eastern District New York. The next question is, have any of
 12 you or any member of close friend have any association either
 13 personal or business with any member of the staff of the U.S.
 14 Attorney's Office for the Eastern District of New York?
 15 Okay. The next question, we'll do this as we go
 16 down the line. Anyone has a yes answer, I'd ask you to keep
 17 your voice up. And then we'll take a break after this
 18 question. We're making good progress. The next question is,
 19 have you or a member of your family or any close friend ever
 20 been employed by any law enforcement agency?
 21 That would include city or state police, any federal
 22 law enforcement agency such as the FBI, the DEA, ATF,
 23 Immigration Customs Enforcement, IRS, U.S. Postal Inspection
 24 Service, Security and Exchange Commission, any department of
 25 investigation, any state or federal prison system, or any

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1 state or federal prosecutors office, including the U.S.
 2 Attorney's Office, a district attorney's office, or any
 3 regulatory agency. So as you can see, when I use the term
 4 "law enforcement agency," I will be using it in the broadest
 5 sense of the word. So if you have any association, you, a
 6 family member, or a close friend. We'll go down the line.
 7 Keep your voice up.
 8 First row. Juror 2, Mr. Gleeson.
 9 PROSPECTIVE JUROR: Yes. I have an uncle that used
 10 to be a detective.
 11 THE COURT: For what police department?
 12 PROSPECTIVE JUROR: NYPD.
 13 THE COURT: Is there anything about his work that
 14 would affect your ability to be fair and impartial?
 15 PROSPECTIVE JUROR: No, sir.
 16 THE COURT: Ms. Imperiale-George.
 17 PROSPECTIVE JUROR: I have a cousin that was a
 18 retired police officer for New Jersey. I think he was part of
 19 the Lake Peck Police Department.
 20 THE COURT: Is there anything about your cousin's
 21 work that would affect your ability to be fair and impartial?
 22 PROSPECTIVE JUROR: No.
 23 THE COURT: Anyone else in the first row? Juror
 24 Number 5, Ms. -- I'm sorry, Ms. Motherway.
 25 PROSPECTIVE JUROR: My father-in-law was NYPD.

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1 THE COURT: Anything about your father-in-law's
 2 prior work that would affect your ability to be fair and
 3 impartial?
 4 PROSPECTIVE JUROR: No.
 5 THE COURT: Mr. Conway.
 6 PROSPECTIVE JUROR: I worked for the NYPD. I was a
 7 police officer.
 8 THE COURT: For how many years?
 9 PROSPECTIVE JUROR: Four years.
 10 THE COURT: Anything about that work that would
 11 affect your ability to be fair and impartial?
 12 PROSPECTIVE JUROR: No.
 13 THE COURT: Ms. Perkins.
 14 PROSPECTIVE JUROR: My husband's uncle is a
 15 detective in Nassau.
 16 THE COURT: Your husband's uncle is a detective?
 17 PROSPECTIVE JUROR: Yes.
 18 THE COURT: Anything about his work that would
 19 affect your ability to be fair and impartial?
 20 PROSPECTIVE JUROR: No.
 21 THE COURT: Ms. Pace.
 22 PROSPECTIVE JUROR: Both of my grandfathers are
 23 retired police officers of NYPD. And I have a close friend
 24 who is a detective with the NYPD.
 25 THE COURT: Anything about this work that would

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1 affect your ability to be fair and impartial in this case?
 2 PROSPECTIVE JUROR: No.
 3 THE COURT: The second row. Okay. Mr. Turro.
 4 PROSPECTIVE JUROR: Yes. I am currently a probation
 5 officer in Nassau.
 6 THE COURT: Any family members?
 7 PROSPECTIVE JUROR: My uncle was also in Nassau, a
 8 police officer.
 9 THE COURT: Anything about your work or your uncle's
 10 work that would affect your ability to be fair and impartial?
 11 PROSPECTIVE JUROR: No.
 12 THE COURT: Mr. Walsh.
 13 PROSPECTIVE JUROR: Two NYPD. One nephew's FBI and
 14 one brother-in-law is in internal revenue.
 15 THE COURT: A brother-in-law?
 16 PROSPECTIVE JUROR: Brother-in-law in internal
 17 revenue.
 18 THE COURT: Anything about their work that would
 19 affect your ability to be fair and impartial in this case?
 20 PROSPECTIVE JUROR: No.
 21 THE COURT: Ms. Olsen.
 22 PROSPECTIVE JUROR: I work for the Internal Revenue
 23 Service.
 24 THE COURT: As a?
 25 PROSPECTIVE JUROR: Office examiner. That's if

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1 someone owes the government, they submit financial
 2 information. We exam that financial information. Let's say
 3 they owe a thousand dollars, they're offering \$20, we
 4 determine, financially, if that is acceptable.
 5 THE COURT: Given your work and your employment at
 6 the IRS, do you believe that you can be fair and impartial to
 7 both sides in the case?
 8 PROSPECTIVE JUROR: Yes.
 9 THE COURT: Down at the end. Is that Ms. Bernstein?
 10 PROSPECTIVE JUROR: Yes. My brother-in-law is a
 11 retired probation officer from Nassau County. My nephew is
 12 NYPD.
 13 THE COURT: Your brother-in-law is retired probation
 14 in Nassau County and your nephew is NYPD. Is there anything
 15 about that that would affect your ability to be fair and
 16 impartial?
 17 PROSPECTIVE JUROR: No.
 18 THE COURT: Mr. Tormey.
 19 PROSPECTIVE JUROR: My uncle is with NYPD.
 20 THE COURT: Is there anything about your uncle's
 21 work with NYPD that would affect your ability to be fair and
 22 impartial?
 23 PROSPECTIVE JUROR: No.
 24 THE COURT: Anyone else in the second row?
 25 Okay. Back row. Ms. Petrino?

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1 PROSPECTIVE JUROR: My father, grandfather and uncle
 2 are all retired NYPD and my uncle is a judge.
 3 THE COURT: Your uncle is a judge.
 4 PROSPECTIVE JUROR: Yes.
 5 THE COURT: Anything about their work that would
 6 affect your ability to be fair and impartial?
 7 PROSPECTIVE JUROR: No.
 8 THE COURT: Anyone in the back row? Mr. Hoffman.
 9 PROSPECTIVE JUROR: Two of my uncles are retired
 10 from the police department. I have a friend in NYPD and
 11 another friend who's a police officer in Westchester.
 12 THE COURT: Is there anything about their work that
 13 would your affect your ability to be fair and impartial?
 14 PROSPECTIVE JUROR: No.
 15 THE COURT: Mr. Vitiello?
 16 PROSPECTIVE JUROR: My son is a Nassau County police
 17 officer and my nephew is a Nassau County corrections officer.
 18 THE COURT: Anything about this work that would
 19 affect your ability to be fair and impartial?
 20 PROSPECTIVE JUROR: No.
 21 THE COURT: Mr. Kislik.
 22 PROSPECTIVE JUROR: My brother-in-law is retired
 23 NYPD. And a friend who's an ADA in Brooklyn. And a friend
 24 who is a retired Nassau County detective.
 25 THE COURT: Is there anything about their work that

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1 would affect your ability to be fair and impartial?
 2 PROSPECTIVE JUROR: No.
 3 THE COURT: Ms. Koenig.
 4 PROSPECTIVE JUROR: My brother-in-law is a retired
 5 detective for Suffolk County. And my friend is a retired
 6 Suffolk County probation officer.
 7 THE COURT: Retired Suffolk county Marine?
 8 PROSPECTIVE JUROR: Yes.
 9 THE COURT: Is there anything about their work that
 10 would affect your ability to be fair and impartial?
 11 PROSPECTIVE JUROR: No.
 12 THE COURT: Ms. McCarthy.
 13 PROSPECTIVE JUROR: I forgot my brother-in-law is a
 14 retired police and my nephew is Nassau police.
 15 THE COURT: Is there anything about their work that
 16 would affect your ability to be a fair and impartial juror?
 17 PROSPECTIVE JUROR: No.
 18 THE COURT: Anyone else?
 19 So why don't we take the afternoon break. It's 3:20
 20 now. At 3:35. Take a 15-minute break. Again, you're going
 21 to go back down to the first floor and wait there. They'll
 22 bring you up. Don't discuss the case. I'll see you at 3:35.
 23 (Whereupon the prospective jurors leave the
 24 courtroom at 3:20 p.m..)
 25 (Prospective juror approaches sidebar.)

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1 THE COURT: What is your name?
 2 PROSPECTIVE JUROR: McGuire, 15. I'm not sure if
 3 this is technically a hardship or not. I only get five days
 4 jury duty. The rest has to come out of my personal time. My
 5 husband is currently not working right now. If I do five
 6 weeks, it's a final hardship.
 7 THE COURT: I will excuse you. Just go down to one.
 8 PROSPECTIVE JUROR: I didn't really think it was
 9 before.
 10 THE COURT: That's a bad situation.
 11 PROSPECTIVE JUROR: I wanted to do my duty. But
 12 five weeks is a hardship.
 13 THE COURT: All right. We'll fill that seat.
 14 (Prospective juror leaves the sidebar.)
 15 (Whereupon the sidebar conference was concluded.)
 16 THE COURT: Let's start on time. I prefer going to
 17 5:00 and see if we can finish today.
 18 MR. HALEY: Judge, I'd guess we'd have to do it
 19 tomorrow, but there are matters to put on the record.
 20 THE COURT: We have plenty of time the rest of the
 21 week.
 22 MR. LaRUSSO: I want to put a comment on the record
 23 about a subpoena we served. We made it returnable tomorrow
 24 because originally we were selecting the jury on the 28th.
 25 THE COURT: For documents, you mean?

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1 MR. LaRUSSO: Yeah. My partner is calling the
 2 attorney now to see if he's coming in with his client. We're
 3 going to try to head him off at the pass and see if he'll just
 4 provide us with the documents so we don't have to disturb you.
 5 THE COURT: That's fine. I'm here tomorrow. If
 6 they come in tomorrow, make sure they come down to the clerk's
 7 office. Let's start promptly.
 8 (Recess taken.)
 9 (Matter continued on the next page.)

JURY SELECTION

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1 THE COURT: You can be seated.
 2 Are we ready?
 3 MR. MISKIEWICZ: Yes.
 4 MR. HALEY: Yes, Your Honor.
 5 THE COURT: I will tell them at the end of the day,
 6 once we get the jury, I hope we can do it by 5:00. I don't
 7 want to come back for this tomorrow. I will just tell them
 8 not to read the Daily News during the trial or not to read
 9 Newsday or watch News 12 about the trial. I imagine there
 10 will be media coverage through the Optimum Channels, at a
 11 minimum, based upon from what I've seen already. I feel that
 12 would be prudent.
 13 Is there any objection to that?
 14 MR. HALEY: No, sir.
 15 MR. MISKIEWICZ: No, Your Honor.
 16 MR. LaRUSSO: Did you mention the Post?
 17 THE COURT: Did you see something in the Post?
 18 MR. LaRUSSO: Yes.
 19 THE COURT: We have to give them something to read.
 20 Let's bring in the jury.
 21 (Whereupon the jurors reenter the courtroom.)
 22 THE COURT: Come back to where you were sitting
 23 before.
 24 Okay. I appreciate everyone being on time. And you
 25 remembered what seat you were in too, that is a bonus.

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1 Usually I have to remind jurors to remember where you are
 2 sitting. I forgot to do that. We are in good shape.
 3 I did excuse Juror Number 15 prior to the break. So
 4 we're going to call a name to replace Juror Number 15. Juror
 5 Number 15 is Anthony Dominick who was Juror 122.
 6 THE COURT: Mr. Dominick, did you hear my questions?
 7 PROSPECTIVE JUROR: I have two issues.
 8 THE COURT: Come on up.
 9 (Whereupon a sidebar conference was conducted.)
 10 (Prospective Juror approaches the sidebar.)
 11 THE COURT: Yes?
 12 PROSPECTIVE JUROR: One of the issues was anybody in
 13 your family was the victim of a violent crime. I had an aunt
 14 and an uncle that were murdered.
 15 THE COURT: How long ago was that?
 16 PROSPECTIVE JUROR: 30 years ago.
 17 THE COURT: Did they charge anybody in connection
 18 with that?
 19 PROSPECTIVE JUROR: Yes.
 20 THE COURT: Yes?
 21 PROSPECTIVE JUROR: That was one thing. The second
 22 thing was --
 23 THE COURT: Before you get to the second thing, was
 24 there anything about that that would affect your ability to be
 25 fair and impartial in this case?

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1 PROSPECTIVE JUROR: No.
 2 THE COURT: The second thing is what?
 3 PROSPECTIVE JUROR: The financial advisor.
 4 THE COURT: The financial advisor?
 5 PROSPECTIVE JUROR: Yes. It wasn't financial, it
 6 was on a real estate holding that we were going to buy. I was
 7 going to buy a house.
 8 THE COURT: Okay.
 9 PROSPECTIVE JUROR: And the real estate said, yeah,
 10 here is the X amount of price. I produced documents to say,
 11 yes, it's worth it, but this is what's wrong with it, and we
 12 lost the house by \$10,000 to the lawyer of the real estate.
 13 So...
 14 THE COURT: But you didn't lose any money?
 15 PROSPECTIVE JUROR: No. I lost a good deal. I mean
 16 a real good deal.
 17 THE COURT: How long ago was that?
 18 PROSPECTIVE JUROR: Five years ago.
 19 THE COURT: Is there anything about that experience
 20 that would affect your ability to be fair and impartial in
 21 this case?
 22 PROSPECTIVE JUROR: Truthfully, it's in the back of
 23 my mind.
 24 THE COURT: Okay. I'll excuse you. Go back
 25 downstairs.

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1 MR. HALEY: I'm sorry for you, sir.
 2 (Prospective Juror leaves the sidebar.)
 3 THE COURT: Juror 15 is now Christopher Bahadur.
 4 (Prospective Juror approaches the sidebar.)
 5 THE COURT: Mr. Bahadur, did you hear my questions?
 6 PROSPECTIVE JUROR: Yes.
 7 THE COURT: Do you have any yes answers?
 8 PROSPECTIVE JUROR: Yes. I was a victim of identity
 9 theft.
 10 THE COURT: How long ago was that?
 11 PROSPECTIVE JUROR: Eight years ago.
 12 THE COURT: Did they charge anybody in connection
 13 with that?
 14 PROSPECTIVE JUROR: No.
 15 THE COURT: Is there anything about that experience
 16 that would affect your ability to be fair and impartial in
 17 this case?
 18 PROSPECTIVE JUROR: No.
 19 THE COURT: Okay. Sit down in seat Number 15.
 20 Thank you.
 21 (Prospective Juror leaves the sidebar.)
 22 THE COURT: Sit down.
 23 (Sidebar concluded and matter in open court.)
 24 THE COURT: The next question.
 25 Any of you currently or have you or any family

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1 member or a close friend ever worked with any lawyer who
 2 defended persons accused of a crime? In other words, a
 3 defense lawyer.
 4 Next question. Do you currently or have you or a
 5 family member or a close friend ever worked with any lawyers
 6 or defense attorneys for persons accused of a crime?
 7 THE COURT: Ms. Mazur?
 8 PROSPECTIVE JUROR: About 30 years ago I worked for
 9 a law firm in New Jersey as a receptionist.
 10 THE COURT: As a receptionist. And they did
 11 criminal defense work?
 12 PROSPECTIVE JUROR: Yes, a little bit.
 13 THE COURT: Is there anything about that experience
 14 that would affect your ability to be fair and impartial?
 15 PROSPECTIVE JUROR: (Shaking head.)
 16 THE COURT: You shake your head, he can't get it
 17 down.
 18 PROSPECTIVE JUROR: Okay. No.
 19 THE COURT: Juror Number 3, Ms. Imperiale-George.
 20 PROSPECTIVE JUROR: My daughter worked as a
 21 paralegal at Kaye Scholar.
 22 THE COURT: Does she work in the criminal defense
 23 part of the firm?
 24 PROSPECTIVE JUROR: I am not sure. I wanted to
 25 mention that.

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1 THE COURT: Is there anything about that work that
 2 would affect your ability to be fair and impartial?
 3 PROSPECTIVE JUROR: No.
 4 THE COURT: Ms. Sam Lao.
 5 PROSPECTIVE JUROR: My niece is an Assistant DA in
 6 Manhattan -- in Federal Court?
 7 THE COURT: Assistant DA is state court. Or is it
 8 the U.S. Attorney's Office?
 9 PROSPECTIVE JUROR: She is going to be ADA in the
 10 Bronx.
 11 THE COURT: What is the relationship to you?
 12 PROSPECTIVE JUROR: She is my niece.
 13 THE COURT: Is there anything about your niece's
 14 work that would affect your ability to be fair and impartial?
 15 PROSPECTIVE JUROR: No.
 16 THE COURT: Anyone else?
 17 Your name again?
 18 PROSPECTIVE JUROR: Vitiello.
 19 THE COURT: Mr. Vitiello.
 20 PROSPECTIVE JUROR: My best friend is a retired
 21 lawyer.
 22 THE COURT: Does he do criminal work, criminal
 23 defense work?
 24 PROSPECTIVE JUROR: Yes.
 25 THE COURT: Is there anything about your best

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1 friend's work that would affect your ability to be fair and
 2 impartial?
 3 PROSPECTIVE JUROR: No.
 4 THE COURT: Anyone else?
 5 Next question. Do any of you personally or in
 6 connection with your business ever been involved in or expect
 7 to become involved in any legal action or dispute with the
 8 United States Government or any of its officers, agents or
 9 employees of the United States, or have an interest in such
 10 legal actions or disputes or its outcome?
 11 All right. The next question, and we will do these
 12 at sidebar. Have you or a relative or a close friend ever
 13 been charged with a crime? Have you or a relative or a close
 14 friend ever been charged with a crime?
 15 Okay. There are hands up for that. Do you want to
 16 come up?
 17 (Whereupon a sidebar conference was conducted.)
 18 THE COURT: Come up.
 19 (Prospective Juror approaches the sidebar.)
 20 THE COURT: What is your name again?
 21 PROSPECTIVE JUROR: Juror 1.
 22 THE COURT: Juror Number 1.
 23 PROSPECTIVE JUROR: My son was charged with a crime
 24 in federal court. He got probation. Then I have several
 25 family members that have been charged with crimes.

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1 THE COURT: Your son, what was the nature of the
 2 charge?
 3 PROSPECTIVE JUROR: Okay. It had to do with
 4 Internet piracy or Internet fraud or something like that.
 5 THE COURT: What state was he charged in?
 6 PROSPECTIVE JUROR: Georgia.
 7 THE COURT: You said he got probation?
 8 PROSPECTIVE JUROR: Yes.
 9 THE COURT: Did he go to trial or you don't know?
 10 PROSPECTIVE JUROR: He wouldn't let me come to find
 11 out.
 12 THE COURT: Then you said your cousin.
 13 PROSPECTIVE JUROR: I have several cousins who have
 14 been charged with misdemeanors but never served time. One is
 15 up in Albany, and that was maybe about 10 or 15 years ago. I
 16 have another one who is since before that and lives in Far
 17 Rockaway.
 18 THE COURT: Is there anything about those
 19 experiences that would affect your ability to be fair and
 20 impartial?
 21 PROSPECTIVE JUROR: No.
 22 THE COURT: Thank you.
 23 (Prospective Juror leaves the sidebar.)
 24 THE COURT: Come up next juror.
 25 (Prospective Juror approaches the sidebar.)

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1 Your name again?
 2 PROSPECTIVE JUROR: Matthew Hoffman, H-O-F-F-M-A-N.
 3 Juror Number 31.
 4 THE COURT: Thank you. Go ahead.
 5 PROSPECTIVE JUROR: About 20 years ago I was in
 6 possession of marijuana and a DWI for drugs.
 7 THE COURT: What was the outcome, was there a trial?
 8 PROSPECTIVE JUROR: It went to court, yeah, but it
 9 was a fine and the suspension of my license for six months.
 10 THE COURT: Is there anything about that experience
 11 that you had that would affect your ability to be fair and
 12 impartial?
 13 PROSPECTIVE JUROR: No. I was 20 years old.
 14 THE COURT: Thank you.
 15 (Prospective Juror leaves the sidebar.)
 16 THE COURT: Next.
 17 (Prospective Juror approaches the sidebar.)
 18 Say your name again. I'm sorry.
 19 PROSPECTIVE JUROR: Number 13. Walsh, Daniel.
 20 THE COURT: Okay, Mr. Walsh.
 21 PROSPECTIVE JUROR: My son got 18 months probation
 22 for graffiti.
 23 THE COURT: Is there anything about that that would
 24 affect your ability to be fair and impartial?
 25 PROSPECTIVE JUROR: No.

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1 THE COURT: Okay.
 2 (Prospective Juror leaves the sidebar.)
 3 THE COURT: Next.
 4 (Prospective Juror approaches the sidebar.)
 5 THE COURT: Your name again?
 6 PROSPECTIVE JUROR: Brigid Kinney.
 7 THE COURT: Number 37. Okay.
 8 PROSPECTIVE JUROR: My brother in Florida stole
 9 metal from his job and he had to pay retribution. He didn't
 10 go to jail or anything like that.
 11 THE COURT: Is there anything about that that would
 12 affect your ability to be fair and impartial?
 13 PROSPECTIVE JUROR: No, there's nothing about that.
 14 THE COURT: Anyone else?
 15 (Matter continued on the next page.)
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 17
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1 THE COURT: Next question, have you or a family
 2 member or close friend participated in a State or Federal
 3 case, whether criminal or civil, as a witness?
 4 MR. MISKIEWICZ: There was one person.
 5 THE COURT: Sorry, I didn't see your hand.
 6 Mr. Cardarelli.
 7 PROSPECTIVE JUROR: During, of course, my duties
 8 as a probation officer, I'm often called to be a witness.
 9 THE COURT: Thank you.
 10 Next question, have you, a family member, close
 11 friend or relative ever been a plaintiff or defendant,
 12 State or Federal case, whether criminal or civil? You, a
 13 family member or close friend ever been a plaintiff or
 14 defendant in a State or Federal Court case, whether civil
 15 or federal?
 16 Unless you told me about it, you don't have to
 17 repeat it.
 18 Next question, have you, a relative or close
 19 friend ever been the subject of any investigation or
 20 accusation by any Grand Jury or any other investigation,
 21 or been subpoenaed for any inquiry or investigation? You,
 22 relative or close friend ever been the subject of any
 23 investigation or accusation by any Grand Jury or any other
 24 investigation or been subpoenaed for any inquiry or
 25 investigation?

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1 Next question, one of the companies that may be
 2 mentioned or referenced during the course of the trial is
 3 Playboy Enterprises. Do any of you find Playboy
 4 Enterprises or Playboy magazine offensive or feel a
 5 person's association with that company or brand would
 6 influence your ability to be fair and objective towards
 7 that person?
 8 Next question, do any of you read The Daily News
 9 on a regular basis? Do any of you read The New York Daily
 10 News on a regular basis?
 11 Juror number 7, Mr. Conway. Anyone else?
 12 I will ask Mr. Conway, or the rest of the group,
 13 have any of you read any articles about this case in The
 14 Daily News? Have any of you read any articles about this
 15 case in The Daily News?
 16 Again, anybody read any articles about this case
 17 anywhere else?
 18 Now, as you can see, I have asked you a series
 19 of questions on various topics. Let me just ask you a
 20 very general question. Having heard the questions put to
 21 you by the Court, is there any -- having heard the
 22 questions put to you by the Court, any other reason why
 23 you could not sit on this jury and render a fair and
 24 impartial verdict based on the evidence presented to you
 25 and in the context of the Court's instructions to you on

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1 the law?
 2 At this point, you got a sheet of paper when you
 3 walked in. It's basically some questions that are
 4 designed to get some basic biographical information from
 5 you. I will go down the line, you don't have to repeat
 6 the questions. You see examples beneath the question how
 7 you can phrase your answer, but you can phrase it any way
 8 you wish. I ask you to keep your voice up. To help do
 9 that, I will ask you to stand up to help hear us better.
 10 Number 1, Ms. Boone-Banks. Stand up.
 11 PROSPECTIVE JUROR: I live in Suffolk County and
 12 I have been there for seven years. I'm a teacher. I am
 13 married. My husband works for residential housing. I
 14 have one adult child and he is a civil engineer. I have
 15 my master's degree. I have sat on a jury before. I don't
 16 remember -- I think it was a criminal case. And I have
 17 never been a grand juror.
 18 THE COURT: I will ask you a couple of follow-up
 19 questions.
 20 You said you are a teacher. What grade do you
 21 teach?
 22 PROSPECTIVE JUROR: Elementary school.
 23 THE COURT: You mentioned you were on a jury
 24 before. Can you approximate how many years ago that was?
 25 PROSPECTIVE JUROR: I lived in Nassau County at

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1 the time, so it has to be more than ten years.
 2 THE COURT: You said it was a criminal case?
 3 PROSPECTIVE JUROR: Yes.
 4 THE COURT: Do you remember what the charge was
 5 in the case?
 6 PROSPECTIVE JUROR: I think it was burglary, I
 7 believe.
 8 THE COURT: Without telling me what the verdict
 9 was, was the jury able to reach a verdict?
 10 PROSPECTIVE JUROR: Yes.
 11 THE COURT: I will ask of each juror, not on the
 12 questionnaire, given the summary of this case, I will ask
 13 you, are you a hockey fan?
 14 PROSPECTIVE JUROR: No.
 15 THE COURT: Juror number 2, Mr. Gleeson.
 16 PROSPECTIVE JUROR: I live in Suffolk County. I
 17 have lived there about 15 years. I'm a driver. I am
 18 married. I have no adult children. I have two years of
 19 college. I haven't served on a case before.
 20 THE COURT: Have you been a juror or grand
 21 juror?
 22 PROSPECTIVE JUROR: No.
 23 THE COURT: What does your wife do for a living?
 24 PROSPECTIVE JUROR: She works part time as a
 25 teacher's aide.

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1 THE COURT: Are you a hockey fan?
 2 PROSPECTIVE JUROR: Yes, I am.
 3 THE COURT: Tell me, generally, regular hockey
 4 fan? What level of interest?
 5 PROSPECTIVE JUROR: I'm a diehard fan. I know a
 6 couple of things about hockey.
 7 THE COURT: You think you could be fair and
 8 impartial in this case?
 9 PROSPECTIVE JUROR: Yeah, I do.
 10 THE COURT: Ms. Imperiale George.
 11 PROSPECTIVE JUROR: I live in Nassau County. I
 12 have lived there for 30 years. I'm a stay-at-home mom. I
 13 was employed by KPMG Peat Marwick as an auditor. I'm a
 14 CPA by profession. I am married. My husband is a retired
 15 officer of the New York City Department of Sanitation,
 16 superintendent. I have two adult children. My daughter
 17 will be attending law school in September. My son is
 18 studying air traffic control. I have an MBA. I have
 19 never sat on a jury.
 20 THE COURT: Ever been on a Grand Jury?
 21 PROSPECTIVE JUROR: No.
 22 THE COURT: Are you a hockey fan?
 23 PROSPECTIVE JUROR: No.
 24 THE COURT: You can be seated.
 25 Juror number 4, Mr. Palandrani.

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1 PROSPECTIVE JUROR: I live in Nassau County for
 2 about 23 years. I'm a retired railroad signal supervisor.
 3 Married. My wife is a library administrative assistant.
 4 I have one adult child, a full-time student. I have an
 5 associate's degree. I was an alternate juror on a
 6 criminal case here. I don't know what the verdict was.
 7 And I have never been on Grand Jury.
 8 THE COURT: When you say "here," you mean this
 9 courthouse?
 10 PROSPECTIVE JUROR: Yes.
 11 THE COURT: Do you remember what the charge was?
 12 PROSPECTIVE JUROR: It was a drug trafficking.
 13 THE COURT: Are you a hockey fan?
 14 PROSPECTIVE JUROR: I'm a hockey fan, not a
 15 rabid fan.
 16 THE COURT: Thank you.
 17 Juror number 5, Mr. Bacchus.
 18 PROSPECTIVE JUROR: I live in Valley Stream.
 19 I'm a father of five kids. I work for Catholic Charities,
 20 I'm truck driver. That's it.
 21 THE COURT: Are you married?
 22 PROSPECTIVE JUROR: Yeah, five kids.
 23 THE COURT: I heard the five kids part. What
 24 does your spouse do for a living?
 25 PROSPECTIVE JUROR: She don't work. She home.

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1 THE COURT: Are any of those five kids adult
 2 children?
 3 PROSPECTIVE JUROR: I have one in college. One
 4 in college and part-time work, and one working for full
 5 time, working SUNY.
 6 THE COURT: What level of schooling did you
 7 have? What level of schooling did you go to?
 8 PROSPECTIVE JUROR: I didn't go to school. I go
 9 to school in my country.
 10 THE COURT: What level did you get to in that
 11 country?
 12 PROSPECTIVE JUROR: From Guyana.
 13 THE COURT: High school level?
 14 PROSPECTIVE JUROR: No; third grade.
 15 THE COURT: 12th?
 16 PROSPECTIVE JUROR: My eldest brother died in an
 17 accident, so I had to work on the farm.
 18 THE COURT: Ever been on a jury before?
 19 PROSPECTIVE JUROR: Never.
 20 THE COURT: Grand Jury?
 21 PROSPECTIVE JUROR: No.
 22 THE COURT: Are you a hockey fan?
 23 PROSPECTIVE JUROR: Mets fan.
 24 THE COURT: You can be seated.
 25 Juror number 6.

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1 PROSPECTIVE JUROR: I've lived in Suffolk County
 2 for 22 years. My occupation is customer order specialist.
 3 I have four adult children. My oldest works for some
 4 commercial real estate. Next one unemployed. My son
 5 works for an insurance firm. And my youngest daughter is
 6 a student at college. I have never served on a jury. I
 7 am divorced.
 8 THE COURT: What did your spouse do for a living
 9 when you were married?
 10 PROSPECTIVE JUROR: He was a vice president for
 11 a real estate, like in the city.
 12 THE COURT: What type of work in real estate?
 13 PROSPECTIVE JUROR: They built skyscrapers.
 14 THE COURT: Have you ever been on a jury before?
 15 PROSPECTIVE JUROR: No.
 16 THE COURT: Ever on a Grand Jury before?
 17 PROSPECTIVE JUROR: No.
 18 THE COURT: What level of schooling did you
 19 have?
 20 PROSPECTIVE JUROR: One year of college.
 21 THE COURT: Are you a hockey fan?
 22 PROSPECTIVE JUROR: I have a very close friend
 23 who was a professional hockey player.
 24 THE COURT: Do you follow hockey?
 25 PROSPECTIVE JUROR: No.

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1 THE COURT: Will the relationship with that
 2 friend affect your ability to be fair and impartial in
 3 this case?
 4 PROSPECTIVE JUROR: No.
 5 THE COURT: Mr. Connelly.
 6 PROSPECTIVE JUROR: Live in Nassau County for 11
 7 years. Damage prevention liaison. I was a former
 8 firefighter. Married. I have two adult children. I have
 9 a bachelor degree. Never sat on any juries.
 10 THE COURT: What does your spouse do for a
 11 living?
 12 PROSPECTIVE JUROR: Secretary.
 13 THE COURT: What type of company?
 14 PROSPECTIVE JUROR: ACLD.
 15 THE COURT: What do your children do?
 16 PROSPECTIVE JUROR: One working full time, one
 17 in college.
 18 THE COURT: Have you ever been on a Grand Jury?
 19 PROSPECTIVE JUROR: No.
 20 THE COURT: Are you a hockey fan?
 21 PROSPECTIVE JUROR: Yes.
 22 THE COURT: What level of interest?
 23 PROSPECTIVE JUROR: Just watch it.
 24 THE COURT: Thank you.
 25 Jury number 8, Mr. Rueger.

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1 PROSPECTIVE JUROR: Lived in Suffolk County for
 2 about a year. I work in freelance graphic design and
 3 media planning. I'm unmarried. I have no children. Four
 4 years of college.
 5 THE COURT: Ever been on a jury?
 6 PROSPECTIVE JUROR: No.
 7 THE COURT: Ever been on a Grand Jury?
 8 PROSPECTIVE JUROR: No.
 9 THE COURT: Are you a hockey fan?
 10 PROSPECTIVE JUROR: Very much so.
 11 THE COURT: Thank you.
 12 Juror number 9, Mr. Kosloff.
 13 PROSPECTIVE JUROR: Resident of Suffolk County
 14 for about three years now. Vice president of
 15 international finance. My wife is a photographer. I have
 16 two grown children, both are social workers. I have got a
 17 bachelor's degree. I have some graduate schooling as
 18 well. I have been on a jury once, a criminal case, and we
 19 did reach a verdict.
 20 THE COURT: How long ago was that?
 21 PROSPECTIVE JUROR: About two years ago.
 22 THE COURT: Was it State or Federal?
 23 PROSPECTIVE JUROR: I thought it was Suffolk
 24 County.
 25 THE COURT: Where was it?

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1 PROSPECTIVE JUROR: Down the road a little bit.
 2 THE COURT: That would be state. What was the
 3 nature of the case?
 4 PROSPECTIVE JUROR: DUI.
 5 THE COURT: Thank you. Have you ever been on a
 6 Grand Jury?
 7 PROSPECTIVE JUROR: No, sir.
 8 THE COURT: Hockey fan?
 9 PROSPECTIVE JUROR: Not really.
 10 THE COURT: Thanks.
 11 Juror number 10, Ms. Perkins.
 12 PROSPECTIVE JUROR: I live in Suffolk County.
 13 Been here for six years. I'm a licensed sales assistant.
 14 I am married. Do not have any adult children. I skipped
 15 one. My husband is a financial analyst. High school. I
 16 never sat on a jury.
 17 THE COURT: Have you been on a Grand Jury?
 18 PROSPECTIVE JUROR: Never.
 19 THE COURT: Are you a hockey fan?
 20 PROSPECTIVE JUROR: Lifelong hockey fan.
 21 THE COURT: Jury number 12, excuse me, juror
 22 number 11, Ms. Pace.
 23 PROSPECTIVE JUROR: Live in Suffolk County.
 24 Been there for 23 years, I'm a GM at a restaurant. Not
 25 married. No kids. I have had three years of college.

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1 Never been part of a jury. Never been part of a Grand
 2 Jury.
 3 THE COURT: Are you a hockey fan?
 4 PROSPECTIVE JUROR: Yes.
 5 THE COURT: What level of interest?
 6 PROSPECTIVE JUROR: Pretty much like high.
 7 THE COURT: High. Okay. Thank you.
 8 Juror number 12, Mr. Cardarelli.
 9 PROSPECTIVE JUROR: Live in Suffolk County.
 10 Been there over four years. My occupation is probation
 11 officer. I am married. My wife is a teacher. I have no
 12 adult children, younger ones. I have a bachelor's degree.
 13 Never sat on a jury or a Grand Jury.
 14 THE COURT: Are you a hockey fan?
 15 PROSPECTIVE JUROR: Not really.
 16 THE COURT: Thank you.
 17 Juror number 13, Mr. Walsh.
 18 PROSPECTIVE JUROR: I live in Suffolk County for
 19 39 years. I'm a retired meat cutter. I'm married. My
 20 wife works for CPS, Child Protective Services, Suffolk
 21 County. I have three children. One works in New York as
 22 a voiceover, one works for the Town of Islip as a
 23 lifeguard and the other one works as technical support. I
 24 have been on juries. I have been on a criminal case and
 25 personal case.

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1 THE COURT: One of them was --
 2 PROSPECTIVE JUROR: Didn't make a decision on
 3 the personal case.
 4 THE COURT: Let me cover those. First, what
 5 level of school did you have?
 6 PROSPECTIVE JUROR: High school.
 7 THE COURT: You said one was a criminal case?
 8 PROSPECTIVE JUROR: Yes.
 9 THE COURT: What was the charge in the criminal
 10 case?
 11 PROSPECTIVE JUROR: Embezzlement.
 12 THE COURT: State or Federal?
 13 PROSPECTIVE JUROR: It was state.
 14 THE COURT: How long ago was that?
 15 PROSPECTIVE JUROR: About 30 years ago.
 16 THE COURT: Without telling me what the verdict
 17 was, did the jury reach a verdict in that case?
 18 PROSPECTIVE JUROR: Yes, we did reach a verdict.
 19 THE COURT: You said personal case. Personal
 20 injury case or personal case to you?
 21 PROSPECTIVE JUROR: Not a personal case to me.
 22 THE COURT: Personal injury case? What do you
 23 mean, a personal case?
 24 PROSPECTIVE JUROR: The other one, no, a medical
 25 case, the one they settled out of court.

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1 THE COURT: How long ago that was?
 2 PROSPECTIVE JUROR: That was probably about 29
 3 years ago.
 4 THE COURT: Okay. Have you ever been on a Grand
 5 Jury before?
 6 PROSPECTIVE JUROR: No, I haven't.
 7 THE COURT: Are you a hockey fan?
 8 PROSPECTIVE JUROR: No, I'm not.
 9 THE COURT: Thank you.
 10 Ms. Olsen, juror 14.
 11 PROSPECTIVE JUROR: I have lived in Suffolk
 12 County for 44 years. Like I said, work for the Internal
 13 Revenue Service for the last 18. Divorced. My ex-husband
 14 was a glazier.
 15 THE COURT: Glazier?
 16 PROSPECTIVE JUROR: Auto glass installer. Two
 17 daughters. One, 21, American Sign Language interpreter.
 18 My second daughter is 28, and she is a manager for the Pro
 19 Desk in Home Depot. My schooling, I have an associate's
 20 degree in accounting. I have never sat on a jury, grand
 21 or otherwise.
 22 THE COURT: Are you a hockey fan?
 23 PROSPECTIVE JUROR: No, I'm not.
 24 THE COURT: Juror number 15, Mr. McGuire.
 25 PROSPECTIVE JUROR: Bahadur.

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1 MR. LaRUSSO: 123, your Honor.
 2 THE COURT: Mr. Bahadur, number 15.
 3 PROSPECTIVE JUROR: I live in Nassau County for
 4 several years. I'm a mechanic.
 5 THE COURT: Auto mechanic?
 6 PROSPECTIVE JUROR: Diesel mechanic. I am
 7 married. My wife is an administrator. No adult children.
 8 I did high school and trade school. I have been on a jury
 9 before, it was criminal, hung jury.
 10 THE COURT: How long ago was that?
 11 PROSPECTIVE JUROR: 15 years.
 12 THE COURT: What was the nature of the charge?
 13 PROSPECTIVE JUROR: Gun possession.
 14 THE COURT: Okay. Never been on a Grand Jury?
 15 PROSPECTIVE JUROR: No.
 16 THE COURT: Hockey fan?
 17 PROSPECTIVE JUROR: No.
 18 THE COURT: Juror number 16, Ms. Vetter?
 19 PROSPECTIVE JUROR: I live in Suffolk County for
 20 48 years. I work for a school district as a security
 21 guard/central operator. I'm married. My husband is a
 22 custodian at a school district. I have one adult child,
 23 that's a teacher's assistant, and my son is graduating in
 24 June. I graduated. And I also have some adult education
 25 classes.

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1 THE COURT: You graduated college?
 2 PROSPECTIVE JUROR: No college, just adult
 3 education. I have never served on any kind of jury.
 4 THE COURT: Are you a hockey fan?
 5 PROSPECTIVE JUROR: No.
 6 THE COURT: Thank you.
 7 Juror number 17, how do you pronounce the last
 8 name?
 9 PROSPECTIVE JUROR: Bere. Live in Suffolk
 10 County since 1986. Geologist. My wife is in career
 11 services, class teacher at Stony Brook. I have two adult
 12 children. One is a marine -- one of -- the son is a
 13 marine. The daughter will be going to Marine OCS in
 14 September. I have a BA master's and didn't finish my
 15 Ph.D. Never been on a jury, Grand Jury. Not a hockey
 16 fan.
 17 THE COURT: Thank you.
 18 Juror 18, Mr. Markowitz.
 19 PROSPECTIVE JUROR: Nassau County, 14 years.
 20 Occupation software engineer. Nassau County, 14 years,
 21 software engineer. Not married. No adult children.
 22 Schooling is Bachelor of Science, four years. I was
 23 picked once for a civil as an alternate. It settled
 24 before trial.
 25 THE COURT: Ever been on a Grand Jury?

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1 PROSPECTIVE JUROR: No.
 2 THE COURT: Hockey fan?
 3 PROSPECTIVE JUROR: No.
 4 THE COURT: Thank you.
 5 Juror number 19, Mr. Stoddard.
 6 PROSPECTIVE JUROR: Suffolk County, 53 years.
 7 Maintenance mechanic. Used to drive for UPS, 25 years. I
 8 retired from that. Married. My wife is an accountant. I
 9 have two adult children. My son is an electrician. My
 10 daughter, a massage therapist. High school and never been
 11 on a jury.
 12 THE COURT: Grand Jury?
 13 PROSPECTIVE JUROR: No.
 14 THE COURT: Hockey fan?
 15 PROSPECTIVE JUROR: No.
 16 THE COURT: Thank you.
 17 Juror number 20, Ms. Krakowski.
 18 PROSPECTIVE JUROR: Live in Nassau County for 63
 19 years. I'm a middle school guidance secretary. My former
 20 -- my husband is an architect. I have three adult
 21 children. One is a teacher. One works for Fannie Mae in
 22 Washington D.C. One works in Seattle for Microsoft. I
 23 have an associate's degree. And I have never been on a
 24 jury. I'm a hockey fan, season ticket holder.
 25 THE COURT: Have you been on a Grand Jury?

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1 PROSPECTIVE JUROR: No.
 2 THE COURT: Season ticket holder for?
 3 PROSPECTIVE JUROR: I'm a hockey fan.
 4 THE COURT: Season ticket holder for who?
 5 PROSPECTIVE JUROR: New York Islanders.
 6 THE COURT: Jury number 21, Ms. Macer.
 7 PROSPECTIVE JUROR: I live in Nassau County for
 8 25 years. I work in a middle school as a testing
 9 coordinator, and I teach swimming over the summer. I am
 10 married. My two children are both in college. My husband
 11 is a green card manufacturer. I have two years of
 12 college. Never have sat on jury or a Grand Jury, and I do
 13 not like hockey.
 14 THE COURT: Thank you.
 15 Jury number 22, Mr. Lee.
 16 PROSPECTIVE JUROR: I live in Kings County for
 17 18 years. City bus driver. Single. No children.
 18 THE COURT: What level of schooling did you
 19 have?
 20 PROSPECTIVE JUROR: I have GED.
 21 THE COURT: Ever been on a jury?
 22 PROSPECTIVE JUROR: A couple of times.
 23 THE COURT: Can you tell me each time?
 24 PROSPECTIVE JUROR: Just one day.
 25 THE COURT: I don't mean like coming in,

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1 actually sat through a trial?
 2 PROSPECTIVE JUROR: One time.
 3 THE COURT: How long ago was it?
 4 PROSPECTIVE JUROR: Just for the day and I go
 5 home.
 6 THE COURT: Did you sit through the trial?
 7 PROSPECTIVE JUROR: Just like this.
 8 THE COURT: You weren't selected to be on the
 9 trial?
 10 PROSPECTIVE JUROR: No.
 11 THE COURT: Ever been on a Grand Jury?
 12 PROSPECTIVE JUROR: No.
 13 THE COURT: Are you a hockey fan?
 14 PROSPECTIVE JUROR: No.
 15 THE COURT: Thank you.
 16 Juror number 23, Ms. Bernstein.
 17 PROSPECTIVE JUROR: I live in Nassau County,
 18 lived there for 57 years. I work in IT support. I do
 19 help desk. I am married. My husband works for the Post
 20 Office and he does repair of the mail sorting machines. I
 21 don't have any children. I have a bachelor's degree.
 22 Never sat on a jury before. I have never been on a Grand
 23 Jury. And I'm not a hockey fan.
 24 THE COURT: Thank you.
 25 Juror 24, Mr. Tormey.

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1 PROSPECTIVE JUROR: I live in Nassau County for
2 44 years. Occupation is sales. Not married, I have no
3 children. Four years of college. I have not been on a
4 jury or Grand Jury. I'm a huge hockey fan.

5 THE COURT: You said you were in sales. What
6 type of sales?

7 PROSPECTIVE JUROR: Retail.

8 THE COURT: Thank you.

9 Juror 25, Ms. Simon.

10 PROSPECTIVE JUROR: I live in Suffolk County for
11 nine years. I work as a graphic designer for a
12 pharmaceutical company. My husband owns a sign shop. I
13 have no adult children. I have a Bachelor of Arts degree.
14 I have never sat on a jury or Grand Jury. I'm not a
15 hockey fan.

16 THE COURT: Thank you.

17 Juror 26, Ms. Petrino.

18 PROSPECTIVE JUROR: I live in Richmond County,
19 been there 25 years. I'm a media marketing manager. Not
20 married. I have a bachelor's degree in marketing. I have
21 not sat on a jury before.

22 THE COURT: Or Grand Jury?

23 PROSPECTIVE JUROR: No jury.

24 THE COURT: Are you a hockey fan?

25 PROSPECTIVE JUROR: Huge hockey fan. I do a

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1 little bit of work with the NHL.

2 THE COURT: What type of work?

3 PROSPECTIVE JUROR: Events and with the players.

4 THE COURT: Why don't you approach?

5 (Continued on the next page.)

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1 (Sidebar.)

2 THE COURT: Explain that to me little more. Who
3 hires you, the NHL?

4 PROSPECTIVE JUROR: We work with them. They
5 don't pay us. We do events in different cities with
6 different NHL players. I work for tourism companies. We
7 go to cities and do events with them.

8 THE COURT: Meet The Player?

9 PROSPECTIVE JUROR: Meet The Player. We give
10 them double-decker buses. That's the kind of company I
11 work for. In exchange, they do some publicity for us.

12 THE COURT: "They" being the NHL?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: The particular players whose names
15 you have heard me read off, ever have interactions with
16 them or the subject of anything?

17 PROSPECTIVE JUROR: Not them specifically.

18 THE COURT: You heard what the case is about.

19 It's about some hockey players who allegedly are victims
20 of a fraud. Maybe some of them will be witnesses in this
21 case. Given your work, do you think you could be fair and
22 impartial to both sides?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: Thank you.

25 MR. HALEY: If I may, for purposes of the record

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1 at least, it's been in the media the league is following
2 this case, the NHL league. Should she acquire that
3 information, I'm sure she was honest in her answers, I
4 don't know if that would have an impact on her
5 impartiality.

6 THE COURT: I asked if she read anything about
7 the case. I don't think she's seen the case.

8 MR. HALEY: I'm concerned on a prospective
9 basis. Thank you. I made my record.

10 (Sidebar concluded.)

11 (Continued on the next page.)

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1 (In open court.)
 2 THE COURT: Juror 27, Mr. Muktadir.
 3 PROSPECTIVE JUROR: I live in Queens County for
 4 27 years. Occupation is project manager. Not married.
 5 Do not have any kids. I have a bachelor's degree. Never
 6 sat on a jury or Grand Jury, and I'm a casual hockey fan.
 7 THE COURT: Thank you.
 8 Juror 28.
 9 PROSPECTIVE JUROR: I live in Suffolk County for
 10 28 years. I work at a medical record department for a
 11 psychiatric hospital. I'm not married. I have two
 12 children. My son is in college and my daughter works in a
 13 mental health facility. I had high school. I have never
 14 been on a jury. Never on Grand Jury. I'm a hockey mom.
 15 THE COURT: You're a hockey mom?
 16 PROSPECTIVE JUROR: Yes.
 17 THE COURT: Thank you.
 18 Ms. Barrie-Diamond.
 19 PROSPECTIVE JUROR: I live in Suffolk County.
 20 Went to Suffolk Community College. Lived there three
 21 years. I write whenever I can. Call myself a poet.
 22 THE COURT: Are you married?
 23 PROSPECTIVE JUROR: I was married for 28 years.
 24 My husband just died several months ago.
 25 THE COURT: What did your husband do for a

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1 living?
 2 PROSPECTIVE JUROR: I was married 28 years but
 3 he just died several months ago.
 4 THE COURT: What did he do for a living before
 5 he passed away?
 6 PROSPECTIVE JUROR: He was a businessman. He
 7 owned a swimming pool company.
 8 THE COURT: Do you have any adult children?
 9 PROSPECTIVE JUROR: No, sir; I don't have
 10 children. But I call my poetry -- all my books are my
 11 children.
 12 THE COURT: What level of schooling did you
 13 have?
 14 PROSPECTIVE JUROR: I have a bachelor's from Old
 15 Westbury.
 16 THE COURT: Ever been on a jury before?
 17 PROSPECTIVE JUROR: No, sir.
 18 THE COURT: Ever been on a Grand Jury?
 19 PROSPECTIVE JUROR: No, sir.
 20 THE COURT: Are you a hockey fan?
 21 PROSPECTIVE JUROR: No sir.
 22 THE COURT: Jury number 30, Mr. Sparks.
 23 PROSPECTIVE JUROR: Suffolk County over 40
 24 years. My occupation is Section 8 Housing inspector. I'm
 25 married. I have one adult child. My wife is a retail

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1 manager. I have a bachelor's degree. Never sat on jury
 2 or Grand Jury or regular jury. I'm a casual hockey fan at
 3 best.
 4 THE COURT: Thank you.
 5 Jury number 31, Mr. Hoffman.
 6 PROSPECTIVE JUROR: Live in Kings County for the
 7 last eight years. I'm a teacher. I'm not married. I
 8 have no children. I have a master's degree in education.
 9 I have not sat on a jury. I have not sat on Grand Jury.
 10 I don't watch hockey.
 11 THE COURT: What level do you teach at?
 12 PROSPECTIVE JUROR: High school.
 13 THE COURT: Okay. Thank you.
 14 Juror number 32, Ms. Leone.
 15 PROSPECTIVE JUROR: Leone.
 16 I live in Nassau County; have been there for 46
 17 years. My occupation is I sell temporary staffing
 18 services to accounting and finance. I am married. My
 19 husband is a director of claims. I have my bachelor's
 20 degree. I have sat on a jury before. I believe it was a
 21 civil case. I was in Brooklyn. I have never sat on a
 22 Grand Jury. I frequently attend hockey games.
 23 THE COURT: Let me ask you about your prior jury
 24 service, what type of case was it? If you remember.
 25 PROSPECTIVE JUROR: I believe it was a case

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1 between home reconstruction kind of a company, general
 2 contractor.
 3 THE COURT: Without telling me the verdict, did
 4 the jury reach a verdict?
 5 PROSPECTIVE JUROR: No verdict.
 6 THE COURT: The case got settled?
 7 PROSPECTIVE JUROR: That's right.
 8 THE COURT: Thank you.
 9 Juror 33, how do you pronounce --
 10 PROSPECTIVE JUROR: Macias. I live in Kings
 11 County; been there for 29 years. Occupation is officer
 12 manager. Actually, sorry, program manager for Catholic
 13 Charities. My wife is an office manager. No children. I
 14 have a bachelor's degree. I sat on a jury, civil. Never
 15 reached a verdict, it settled. I'm not an active hockey
 16 fan.
 17 THE COURT: Ever been on a grand jury?
 18 PROSPECTIVE JUROR: No.
 19 THE COURT: What was the nature of the case that
 20 settled? What was it about? Did you hear any part of it?
 21 PROSPECTIVE JUROR: I did hear about it. It was
 22 some street injury. It settled.
 23 THE COURT: Thank you.
 24 Juror number 34, Ms. Douglas.
 25 PROSPECTIVE JUROR: I live in Queens. I have

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1 been there for 65 years. I am retired. Registered nurse.
 2 I'm not married. I have no children. Two years of
 3 college and three years of a traditional hospital-based
 4 nursing course. I have never been on a jury or Grand
 5 Jury.
 6 THE COURT: Are you a hockey fan?
 7 PROSPECTIVE JUROR: No.
 8 THE COURT: Thank you.
 9 Juror 35, Mr. Vitiello.
 10 PROSPECTIVE JUROR: I live in Suffolk County for
 11 45 years. I'm a retired J.P. Morgan employee. I am
 12 married. My wife is a retired teacher's aide. I have two
 13 children. I have two years of schooling. I have been on
 14 a civil case that went to verdict. I have never been on a
 15 Grand Jury and I'm a huge hockey fan.
 16 THE COURT: Can you tell me what your adult
 17 children do? You said two children?
 18 PROSPECTIVE JUROR: Yes. One is a housewife,
 19 the other is a recruiter.
 20 THE COURT: You said you have been on two cases,
 21 one was a civil case?
 22 PROSPECTIVE JUROR: One case.
 23 THE COURT: What was it about?
 24 PROSPECTIVE JUROR: Sorry?
 25 THE COURT: What was it about?

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1 PROSPECTIVE JUROR: Lawsuit against mechanic.
 2 THE COURT: Without telling me the verdict, did
 3 the jury reach a verdict?
 4 PROSPECTIVE JUROR: Yes, it did.
 5 THE COURT: Jury 36, Mr. Kislik.
 6 PROSPECTIVE JUROR: Hi. Resident of Nassau
 7 County. Lived there for 54 years. My former occupation
 8 was retail management. Currently stay-at-home dad.
 9 Married. My wife is a business consultant. I have one
 10 adult son who is a store manager, retail store manager. I
 11 have a bachelor's degree. I was on a civil case, it was
 12 settled before coming to court. And I have never been on
 13 a Grand Jury. I consider myself somewhat of a hockey man
 14 but not after the move to Brooklyn.
 15 THE COURT: Thank you.
 16 Juror 37, Ms. Kinney.
 17 PROSPECTIVE JUROR: Resident of Suffolk County
 18 for 50 years. I was an elementary school teacher for 35
 19 years. I have a master's of education. My husband works
 20 for NBC, The Today Show, as videotape supervising editor.
 21 Married 45 years. I have two grown children. My son is
 22 an independent mover and works for Allied Lines. My
 23 daughter is a mother and stays at home now. She was a
 24 child life specialist at Winthrop Hospital. I have been
 25 called for jury a few times, and one time I did get to be

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1 foreman on a negligence lawsuit against the doctor. Went
 2 to court for about three or four days, but it was settled.
 3 I'm not a hockey fan.
 4 THE COURT: Have you been on a Grand Jury?
 5 PROSPECTIVE JUROR: No.
 6 THE COURT: Thank you.
 7 Juror number 38, Mr. Kulfan.
 8 PROSPECTIVE JUROR: I live in Suffolk County. I
 9 have been here about 25 years. My occupation is sales. I
 10 have a significant other who is the owner-operator of her
 11 own beauty salon. I do not have any adult children. I
 12 have had three years of college. I have never sat on one
 13 jury or a Grand Jury.
 14 THE COURT: Are you a hockey fan?
 15 PROSPECTIVE JUROR: No.
 16 THE COURT: Jury number 39, Ms. Wilson.
 17 PROSPECTIVE JUROR: I live in Nassau County for
 18 20 years. I work as a nursing assistant at a hospital. I
 19 am single. No children. I have some high school and some
 20 college. I was on a jury about six years ago.
 21 THE COURT: You were on a jury six years ago?
 22 PROSPECTIVE JUROR: Yes.
 23 THE COURT: What type of case was it?
 24 PROSPECTIVE JUROR: It was a car theft.
 25 THE COURT: Criminal or civil?

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1 PROSPECTIVE JUROR: Criminal.
 2 THE COURT: Without telling me the verdict, did
 3 the jury reach a verdict?
 4 PROSPECTIVE JUROR: Yes.
 5 THE COURT: Ever been on a Grand Jury?
 6 PROSPECTIVE JUROR: No.
 7 THE COURT: Are you a hockey fan?
 8 PROSPECTIVE JUROR: No.
 9 THE COURT: Jury number 40, Mr. Wiesmann.
 10 PROSPECTIVE JUROR: I live in Suffolk County 35
 11 years. Highway maintenance supervisor. I am married. I
 12 have two adult children. My wife is a housekeeper. I
 13 have two adult kids, one works in a mailroom, the other is
 14 employed. I have an associate's degree. Never been in a
 15 jury. Have been a grand juror. Yes, I follow hockey.
 16 THE COURT: When you were a grand juror, was
 17 that State or Federal?
 18 PROSPECTIVE JUROR: County.
 19 THE COURT: Did you hear all different types of
 20 cases?
 21 PROSPECTIVE JUROR: About two days for a month.
 22 THE COURT: Thank you.
 23 41, Ms. McCarthy.
 24 PROSPECTIVE JUROR: Resident of Nassau County
 25 for over 35 years. My occupation is a teacher's aide in

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1 an elementary school in pre-K class. I am married. My
 2 husband is a police sergeant. Two grown children, one is
 3 a pre-K teacher. She is going for her master's. My
 4 second child is in college for psychology. School, I have
 5 high school and a few college credits. I have been called
 6 for jury duty but never selected for grand jury either. I
 7 know what a hat trick is, but I'm not a hockey fan.
 8 THE COURT: Thank you.
 9 Ms. Speckin.
 10 PROSPECTIVE JUROR: I live in Nassau County;
 11 been there over 35 years. I am retired now, but I was a
 12 bank manager. My husband, he works in the computer area.
 13 THE COURT: Sorry?
 14 PROSPECTIVE JUROR: My husband works in
 15 computers. He is a systems analyst. I have three grown
 16 children. One sells cars, Chevys, in Huntington. The
 17 other is in marketing in Manhattan. And one is upstate;
 18 she is in Human Resources. I have a master's degree in
 19 finance. And yes, I sat on -- twice I was on cases until
 20 the end. I was called for grand jury, but they didn't
 21 take me.
 22 THE COURT: On the two cases that reached a
 23 verdict, what were they about?
 24 PROSPECTIVE JUROR: One was drunk driving, one
 25 was just an insurance thing.

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1 THE COURT: Civil case?
 2 PROSPECTIVE JUROR: Yes. One was civil.
 3 THE COURT: Thank you.
 4 Before I speak to the lawyers, let me ask you
 5 this question, and I will go down the line, ask you to
 6 respond.
 7 Bottom-line question: If you are selected to be
 8 a juror in this case, will you be able to keep an open
 9 mind until all the evidence and arguments have been
 10 presented, and then decide the case fairly and
 11 impartially, based only on the evidence presented at trial
 12 and the law as I explain it to you?
 13 Will you be able to do that, juror number 1?
 14 PROSPECTIVE JUROR: Yes.
 15 THE COURT: Juror number 2?
 16 PROSPECTIVE JUROR: Yes.
 17 THE COURT: Juror number 3?
 18 PROSPECTIVE JUROR: Yes.
 19 THE COURT: Juror number 4?
 20 PROSPECTIVE JUROR: Yes.
 21 THE COURT: Juror number 5?
 22 PROSPECTIVE JUROR: Yes.
 23 THE COURT: Juror number 6?
 24 PROSPECTIVE JUROR: Yes.
 25 THE COURT: Juror number 7?

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1 PROSPECTIVE JUROR: Yes.
 2 THE COURT: Juror number 8?
 3 PROSPECTIVE JUROR: Yes.
 4 THE COURT: Juror number 9?
 5 PROSPECTIVE JUROR: Yes.
 6 THE COURT: Juror number 10?
 7 PROSPECTIVE JUROR: Yes.
 8 THE COURT: Juror number 11?
 9 PROSPECTIVE JUROR: Yes.
 10 THE COURT: Juror number 12?
 11 PROSPECTIVE JUROR: Yes.
 12 THE COURT: Juror number 13?
 13 PROSPECTIVE JUROR: Yes.
 14 THE COURT: Juror number 14?
 15 PROSPECTIVE JUROR: Yes.
 16 THE COURT: Juror number 15?
 17 PROSPECTIVE JUROR: Yes.
 18 THE COURT: Juror number 16?
 19 PROSPECTIVE JUROR: Yes.
 20 THE COURT: Juror number 17?
 21 PROSPECTIVE JUROR: Yes.
 22 THE COURT: Juror number 18?
 23 PROSPECTIVE JUROR: Yes.
 24 THE COURT: Juror number 19?
 25 PROSPECTIVE JUROR: Yes.

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1 THE COURT: Juror number 20?
 2 PROSPECTIVE JUROR: Yes.
 3 THE COURT: Juror number 21?
 4 PROSPECTIVE JUROR: Yes.
 5 THE COURT: Juror number 22?
 6 PROSPECTIVE JUROR: Yes.
 7 THE COURT: Juror number 23?
 8 PROSPECTIVE JUROR: Yes.
 9 THE COURT: Juror number 24?
 10 PROSPECTIVE JUROR: Yes.
 11 THE COURT: Juror number 25?
 12 PROSPECTIVE JUROR: Yes.
 13 THE COURT: Juror number 26?
 14 PROSPECTIVE JUROR: Yes.
 15 THE COURT: Juror number 27?
 16 PROSPECTIVE JUROR: Yes.
 17 THE COURT: Juror number 28?
 18 PROSPECTIVE JUROR: Yes.
 19 THE COURT: Juror number 29?
 20 PROSPECTIVE JUROR: Yes.
 21 THE COURT: Juror number 30?
 22 PROSPECTIVE JUROR: Yes.
 23 THE COURT: Juror number 31?
 24 PROSPECTIVE JUROR: Yes.
 25 THE COURT: Juror number 32?

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1 PROSPECTIVE JUROR: Yes.
 2 THE COURT: Juror number 33?
 3 PROSPECTIVE JUROR: Yes.
 4 THE COURT: Juror number 34?
 5 PROSPECTIVE JUROR: Yes.
 6 THE COURT: Juror number 35?
 7 PROSPECTIVE JUROR: Yes.
 8 THE COURT: Juror number 36?
 9 PROSPECTIVE JUROR: Yes.
 10 THE COURT: Juror number 37?
 11 PROSPECTIVE JUROR: Yes.
 12 THE COURT: Juror number 38?
 13 PROSPECTIVE JUROR: Yes.
 14 THE COURT: Juror number 39?
 15 PROSPECTIVE JUROR: Yes.
 16 THE COURT: Juror number 40?
 17 PROSPECTIVE JUROR: Yes.
 18 THE COURT: Juror number 41?
 19 PROSPECTIVE JUROR: Yes.
 20 THE COURT: Juror number 42?
 21 PROSPECTIVE JUROR: Yes.
 22 THE COURT: Let me speak to the lawyers at
 23 sidebar.
 24 MR. LaRUSSO: I thought juror number 29 raised a
 25 hand while you were reading some remarks.

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1 THE COURT: Why don't you come up?
 2 (Continued on the next page.)
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1 (Sidebar.)
 2 (Prospective juror approaches sidebar.)
 3 PROSPECTIVE JUROR: I forgot something. I sat
 4 on a jury in Riverhead, but they settled the case. But it
 5 was so long ago I couldn't remember what it was all about.
 6 And then I sat in Florida also. I came, I think it was
 7 twice, and then the judge sent us home.
 8 THE COURT: That's fine. Thank you.
 9 (Prospective juror leaves sidebar.)
 10 THE COURT: Any follow-up questions you would
 11 like me to ask any of the jurors?
 12 Government?
 13 MS. KOMATIREDDY: No, your Honor.
 14 MR. LaRUSSO: No, your Honor.
 15 MR. HALEY: No, your Honor.
 16 THE COURT: Any challenges for cause by the
 17 government?
 18 MR. MISKIEWICZ: No, your Honor.
 19 THE COURT: Defense?
 20 MR. LaRUSSO: No.
 21 MR. HALEY: No.
 22 THE COURT: So I will give you a few minutes to
 23 review your notes, then come back to the robing room to
 24 exercise the challenges. I will keep them all seated so
 25 you can see them while you are looking at your notes.

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1 MR. HALEY: What is the Court's protocol? I
 2 haven't selected a jury before you. If number 2 is
 3 eliminated, do you immediately fill that seat?
 4 THE COURT: Again, the first -- again, the first
 5 30 --
 6 MR. MISKIEWICZ: I think you said --
 7 THE COURT: 1 through 30 will be for the 12.
 8 They will move down the seats, but they will be part of
 9 the 12. Whoever is left will be part of the 12.
 10 MR. HALEY: Okay.
 11 THE COURT: Review your notes.
 12 What time is it?
 13 MR. MISKIEWICZ: It's 25 to 5:00.
 14 THE COURT: Take ten minutes or so to do that.
 15 Get back to the robing room. Maybe we can get everybody
 16 out of here by 5:00.
 17 (In open court.)
 18 THE COURT: Ladies and gentlemen, as I said to
 19 you today, both sides get a certain number of peremptory
 20 challenges. They can exercise to excuse certain jurors.
 21 That's why we have 42 people here. So I'm giving them
 22 five or ten minutes to review their notes. They will go
 23 back into the robing room with me and they will exercise
 24 those challenges. Once they have exercised those
 25 challenges, we will have the 12 jurors and six alternates

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1 who will hear the case.
 2 I know it's 4:35, but if we don't complete it
 3 today, then everybody has to come back tomorrow. I don't
 4 want to do that. I think we should be out of here by
 5 5:00.
 6 I ask you -- I don't want to give everyone
 7 another break; that will add up more time. If you can sit
 8 patiently and read, do whatever you want. Don't talk. We
 9 will be done shortly.
 10 I again want to thank you for your patience. I
 11 need everyone in the audience to stay as well. Nobody can
 12 leave yet. My deputy will let me know when the lawyers
 13 are ready.
 14 (Continued on the next page.)

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1 THE COURT: Okay. So we have six rounds. The
 2 government has one challenge in each round, defense has
 3 two. Can you just state the number and the names so
 4 there's no confusion. Right. So the first round
 5 government has one challenge.
 6 MS. KOMATIREDDY: The government strikes five.
 7 THE COURT: What's the name.
 8 MS. KOMATIREDDY: The name Bacchus.
 9 THE COURT: Two challenges for the defense.
 10 MR. LA RUSSO: Two and seven, two is Gleeson and
 11 seven is Connelly.
 12 THE COURT: Round 2, the government.
 13 MS. KOMATIREDDY: The government strikes 15.
 14 THE COURT: That would be Bahadur, right?
 15 MS. KOMATIREDDY: Yes, judge.
 16 THE COURT: Two for the defense.
 17 MR. LA RUSSO: And the defense will strike
 18 number 10 which is Perkins and number 12 Mr. Cardarelli.
 19 THE COURT: Okay. Round 3 for the government.
 20 MS. KOMATIREDDY: The government strikes 19,
 21 which is Stoddard.
 22 THE COURT: Okay.
 23 MR. LA RUSSO: And the defense will strike 13,
 24 Mr. Walsh and number 14, I believe it's Olsen.
 25 THE COURT: Yes. Okay, fourth round.

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1 MS. KOMATIREDDY: Government strikes 29 which
 2 is.
 3 THE COURT: Barrie-Diamond. Right?
 4 MR. MISKIEWICZ: Yes, Judge.
 5 MR. LA RUSSO: And the defense will strike
 6 number 18, Markowitz.
 7 THE COURT: Okay.
 8 MR. LA RUSSO: And number 20, Mr. Li.
 9 THE COURT:
 10 MR. LA RUSSO: I'm sorry, 22, Judge, Mr. Li.
 11 THE COURT: All right. This is round five. The
 12 government.
 13 MS. KOMATIREDDY: The government strikes 16.
 14 THE COURT: That's Vetter.
 15 MR. MISKIEWICZ: Yes, Judge.
 16 MR. LA RUSSO: And the defense will strike 24,
 17 that's Tormey.
 18 THE COURT: Right.
 19 MR. LA RUSSO: And number 26, Patrino.
 20 THE COURT: Last round from the government.
 21 MS. KOMATIREDDY: Government strikes 21.
 22 THE COURT: Mainzer.
 23 MS. KOMATIREDDY: Correct, Judge.
 24 MR. LA RUSSO: And we waive our next two.
 25 THE COURT: Okay. If you waive your next two,

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1 that means 42 and 41 will come out and --
 2 MR. LA RUSSO: Or you can leave them in and we
 3 have three challenges off the alternates.
 4 THE COURT: Yes. But you'll have -- let me do
 5 the math here. So what's going to happen, if you don't
 6 exercise your two challenges then the 12th juror is juror
 7 27, Mr. Muktadir. He becomes the 12th and starting at
 8 juror 28, Ms. O'Mallon becomes the first potential
 9 alternate, and we won't get to 41 and 42, they drop out.
 10 Do you understand?
 11 MR. LA RUSSO: I do. Rick, do you understand
 12 that?
 13 MR. HALEY: Yes.
 14 THE COURT: 41 and 42 are out.
 15 Now you're exercising your challenges for the
 16 alternates, starting from Mr. Sparks, number -- for
 17 Ms. O'Mallon down.
 18 MR. HALEY: She's 28.
 19 THE COURT: So it will be from Ms. O'Mallon down
 20 to Mr. Wiesmann.
 21 MR. LA RUSSO: You want to it 1, 1, 1?
 22 THE COURT: Yes. Government first.
 23 MS. KOMATIREDDY: The government takes 39.
 24 THE COURT: Wilson.
 25 MR. LA RUSSO: The defense will take 32,

1 Ms. Leone, I believe.
 2 THE COURT: Yes.
 3 MS. KOMATIREDDY: The government strikes 35.
 4 Vitiello.
 5 MR. LA RUSSO: And we strike number 40,
 6 Mr. Wiesmann, I believe it is.
 7 THE COURT: Yes. Last round for the government.
 8 MS. KOMATIREDDY: The government strikes 37.
 9 MR. LA RUSSO: We'll waive.
 10 THE COURT: What that means, Mr. Kulfan will
 11 drop out.
 12 MR. LA RUSSO: Yes.
 13 THE COURT: All right. So I'm going to go out
 14 there. I'm going to excuse the jurors that are struck.
 15 Then once we do that, I'll ask is the jury acceptable to
 16 the government, to the defense. If I made a mistake that
 17 will be when you let know, I'm not going to give them the
 18 preliminary instruction. I'll give them those next
 19 Monday. I'll basically repeat what I repeated at
 20 lunchtime.
 21 MR. LA RUSSO: All right. Thank you,
 22 your Honor.
 23 (Continued on next page.)
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1 (Whereupon, the following occurred in open
 2 court.)
 3 THE COURT: Okay. I appreciate everyone's
 4 patience. I'm going to announce the names of the jurors
 5 who are excused from the case. If I pronounce your
 6 name -- if I call your name, pick up your stuff and go sit
 7 in the audience or in one of these black chairs over there
 8 until I make sure that I haven't made any mistakes.
 9 The following jurors are excused from service in
 10 this case: Juror number 2, Mr. Gleeson, juror number
 11 five, Mr. Bacchus, juror number seven, Mr. Connelly, juror
 12 number 10, Ms. Perkins, juror number 12, Mr. Cardarelli,
 13 juror number 13, Mr. Walsh, juror number 14, Mr. Saltzman,
 14 juror 15, Mr. Mukhtadir, juror 16, Vetter, juror 18,
 15 Mr. Markowitz, juror 19, Mr. Stoddard, juror 21,
 16 Ms. Mainzer, juror 22, Mr. Li, juror number 24 Mr. Tormey,
 17 juror 26, Ms. Patrino, juror 29, Ms. Barrie-Diamond, juror
 18 32, Ms. Leone, juror 35 Mr. Vitiello, juror 37,
 19 Ms. Kinney, juror 38 Mr. Kulfan, juror 39, Ms. Wilson,
 20 juror 40, Mr. Wiesmann, juror 41, Mr. McCarthy and juror
 21 42, Ms. Specman.
 22 Okay. Is the jury acceptable to the government.
 23 MR. MISKIEWICZ: It is, your Honor.
 24 THE COURT: The defense?
 25 MR. HALEY: Yes, sir.

1 MR. LA RUSSO: Yes, your Honor.
 2 THE COURT: So for those of you in the audience
 3 I want to thank you for your willingness to serve as
 4 jurors in this case. You can just go back down to the
 5 first floor. I appreciate it. Thank you. Have a good
 6 day.
 7 (At this point the remaining prospective jurors
 8 were excused from the courtroom.)
 9 THE COURT: Okay. I'm going to give you a new
 10 number now. I want you to remember this number, this is
 11 your new juror number.
 12 Juror one is Ms. Boone-Banks, juror number 2 is
 13 Ms. Imperiale, juror number 3, Mr. Palandrani, juror
 14 number 4, Ms. Motherway, juror number 5, Mr. Rueger, juror
 15 number 6 will be Mr. Kosloff, juror 7, Ms. Pace, juror
 16 number 8, Mr. Dere, juror 9, Ms. Kurkowski, juror 10,
 17 Mr. Bernstein, juror 11, Ms. Simon, and juror 12
 18 Mr. Mukhtadir.
 19 Alternate number one Ms. O'Mallon, alternate
 20 number 2, Mr. Sparks, alternate number 3, Mr. Hoffman,
 21 alternate number 4, Mr. Macias, alternate number 5,
 22 Ms. Douglas, and alternate number 6 Mr. Kislik.
 23 I just have to give you a few very brief
 24 instructions and then Cathy is going to take you upstairs
 25 so you know where to go on Monday. As I said we're not

1 sitting the rest of the week. The trial will start Monday
 2 at 9:30. I will give you some brief preliminary
 3 instructions for about 10 minutes and then you'll hear the
 4 openings.
 5 You'll go right to the jury room. You'll have a
 6 badge that will allow you to go right to the jury room,
 7 and she'll have some basic contact information that she'll
 8 get from you so we can reach you if we need to.
 9 I want to give you some important instructions
 10 that I gave you lunchtime but I want to repeat to you
 11 because they're important. This applies for the whole
 12 case. You can't read or listen to anything in the media
 13 about the case. And in order to avoid you inadvertently
 14 coming across something, I'm going to ask you not to read
 15 certain newspapers during the course of the trial.
 16 So during the course of this trial for the next
 17 five weeks, I don't want you to read Newsday, I don't want
 18 you to read the New York Post or the Daily News or listen
 19 to News 12, because I do expect there will be some media
 20 coverage at a minimum in those periodicals and News 12.
 21 But that instruction applies more generally, I'm asking
 22 you not to read those newspapers or watch that show, but
 23 if you should hear on the radio or see on TV a report
 24 that's about to come on with respect to this case, you
 25 should immediately turn off or change the channel. The

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1 same is true if you're reading, you should not listen to
2 it. The same is true if you are reading some other
3 newspaper, and you see a headline regarding this case, you
4 should not look at it.

5 You are not to discuss this case among
6 yourselves when you're back in the jury room during
7 breaks. The jurors are only allowed to discuss this case
8 at the end of the case when I tell you to begin your
9 deliberations. So in the jury room can't talk about the
10 case at all and you can't talk about the case with anyone
11 else.

12 If your family starts asking you what this case
13 about, you have to tell them I instructed you not to talk
14 about the case during the trial. When it's over you can
15 discuss it all you like. But during the trial you can't
16 discuss the case with anyone, that includes family members
17 or anyone at work or anyone else; that also includes
18 social media, Facebook, texting, no communications of any
19 type regarding the case.

20 And finally, I want to emphasize that no outside
21 research of any type is permitted, you can't Google
22 anything about the subject matter in the case, the
23 participants in the case, the lawyers in the case, you
24 shouldn't be doing any outside research of any type
25 whatsoever. Very important. So before I send the jurors

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1 home for the week, is there anything that the lawyers need
2 to address with me?

3 MR. LA RUSSO: No thank you. Your Honor.

4 MR. HALEY: No, sir.

5 MR. MISKIEWICZ: No, sir.

6 THE COURT: Don't leave now. Cathy will take
7 you up to the tenth floor. This is not my regular
8 courtroom. She'll show you where my jury room is when you
9 come on Monday morning. Have a good week. I'll see you
10 all at 9:30 on Monday.

11 (Whereupon, the jury retired from the
12 courtroom.)

13 THE COURT: All right. Everyone can be seated.
14 So Mr. Haley, I know you have some issues to place on the
15 record. I don't have time to it today. Why don't you
16 pick a time during this week for everyone it come back in
17 and -- do you want to do it tomorrow?

18 MR. HALEY: Your Honor, if I could. If I could
19 have an opportunity to meet about my client before I
20 address it?

21 THE COURT: Do you want to meet at 11 o'clock
22 tomorrow morning? 1:15, does that work for everybody
23 else?

24 MR. HALEY: Yes.

25 MR. LA RUSSO: My client was planning on going

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1 home, his wife is pregnant with their second child. If
2 you can do it by telephone conference?

3 THE COURT: That's fine. Are you okay with just
4 appearing by telephone, Mr. Constantine?

5 DEFENDANT CONSTANTINE: Yes, I am not sure I'll
6 be able to get my flight anymore. I might be stuck here.

7 THE COURT: If not, I'll let you appear by
8 phone.

9 DEFENDANT CONSTANTINE: Thank you very much.

10 THE COURT: We're good?

11 MR. MISKIEWICZ: Yes.

12 THE COURT: I'll see you tomorrow at 1:15.

13 Thank you. I appreciate everybody working efficiently
14 today. That was very good.

15 MR. LA RUSSO: Thank you, your Honor.

16 (Whereupon, court recessed for the day until
17 Tuesday, April 28, 2015 at 1:15 p.m.)
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